

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 205

## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 19, 2002  
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Wanda McDaniel gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved      The Minutes of the regular meeting of March 5, 2002, were approved 7 to 0.

## AWARDS AND PRESENTATIONS

PROCLAMATIONS      Proclamations previously approved were presented.

SERVICE CITATION      Distinguished Service Citation was presented.

## PUBLIC AGENDA

Fran Crowley – Summer 2002 Youth Job and Opportunity Fair

Fran Crowley      Fran Crowley said employers will be interviewing prospective employees for good-paying jobs for summer dollars, and to offer volunteer opportunities to build resume 's, internships, caps, and College classes for the summer semester. The Fair dates are: April 6<sup>th</sup> at Hobby Lobby, 501 East Pawnee (12 to 3), April 26<sup>th</sup> at North High School, 1437 East Rochester (6:30 to 9:30), and May 4<sup>th</sup> at Northeast Magnet, 1847 North Chautauqua (12 to 3).

## UNFINISHED BUSINESS

**BRIDGE CROSSING**      **FLOODWAY BRIDGE CROSSING.** (Districts V and VI)  
(Continued from January 15, 2002)

Steve Lackey      Director of Public Works reviewed the Item.

Agenda Report No. 02-0040A

In 1995, the "Northwest Wichita Traffic Congestion Relief Study" was completed. This Study recommended potential floodway bridge crossings into northwest Wichita. The crossings (over the Big Ditch and I-235) included 13th, 21st, and 25th as potential routes for a new crossing. The report was later updated in 2001. The 2001 report included updated project costs, development potential in northwest Wichita, proposed CIP improvements, and proposed interim improvements at Zoo and I-235. More detailed analysis was done in the second report that showed different combinations of improvements and the resultant levels of service from those improvements. Further, the second report

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 206

attempted to detail the overall transportation strategies for the City of Wichita and Sedgwick County in terms of major longer-term investments associated with the expanding northwest Wichita. The report acknowledged that to provide acceptable levels of service for travelers into west and northwest Wichita, a number of other improvements should be scheduled (over future years) to realize significant improvements to traffic needs.

The City and Sedgwick County have made significant (multi-million dollar) investments to the transportation network in northwest Wichita over the last decade. Those improvements include: improvements to Kellogg; Maple; Central; 21st Street and Maize; Ridge Road; Tyler Road; Maize Road; and I-235 and Zoo Blvd. In addition, major improvements are scheduled for Kellogg/Tyler/Maize intersections, west 21st (near New Market Square), 29th Street (Maize to West Street), and Central (Maize to Woodchuck).

Major investments at Kellogg (U.S. 54) and I-235; Central and I-235; and the Northwest By-Pass, are being planned, but yet to be scheduled for construction by the Kansas Department of Transportation. When these projects are completed, they will greatly alter and improve traffic circulation in northwest Wichita. While not directly transportation related, the new Waste Water Treatment Plant, located at 37th Street North and 135th Street West, will open the far-western area for future growth and development that will require future infrastructure improvements and continue to place demands on connections to the Interstate and State transportation systems, such as K-96, I-235, and the Northwest By-Pass. Connections to these freeway systems will be critical to facilitate fast and efficient traffic flow to other destinations in the City. Existing arterial Street systems alone will not accommodate all of the projected future development.

The April, 2001 report (Parsons Brinkerhoff Quade & Douglas, Inc.) outlined several options for congestion relief in northwest Wichita and the resultant levels of service of each option. Currently, the level of service of the Interchange at I-235 and Zoo Blvd. is a low "D"(minimum acceptable level of service). According to the report, any singular bridge solution would result in a level of service of "E" in year 2030. Any combination of two bridges being built will result in a level of service of "D"(current level) in 2030. To increase the level of service over the current situation in year 2030, all three bridges may have to be constructed and that could only result in a level of service of a low "C"(preferred level), slightly above level of service "D". (See Financial Section for a listing of alternatives, costs, and relocation impacts with each option.)

The 13th Street Bridge and the 21st Street Bridge were estimated to cost \$25M and \$35M respectively. Both of these budgets will require a minimum of 30 and 22 properties (respectively), to be acquired/removed. The preferred first bridge site at 25th Street Bridge is estimated to cost \$15.5M (latest updated costs per current design through previous Council action) and would not require acquisition and relocation of any housing properties. Further, proposed improvements to Westdale at Zoo Blvd., such as restricting left turns and signal timing changes (\$200,000) would improve Zoo and I-235 Interchange.

Perhaps, the greatest benefit of the 25th Street Bridge is that it will provide a direct 'connection' to Interstate-235 that neither the 13th nor the 21st Street Bridge sites provide. This Interchange is very important since the traffic congestion occurs on the ramps at Zoo Blvd. and I-235, not Zoo Blvd. itself; thus, the 25th Street Bridge will provide an alternative to those motorists that are accessing the Interstate. Those preferring to use the current City street systems will continue to have acceptable levels of service now and into the future planning year of 2030.

Below are the costs and property impacts associated with each option:

<u>Project</u>	<u>Estimated Cost</u>	<u>Minimum Property Acquisitions/Relocations</u>
13th Street Bridge	\$25M	30
21st Street Bridge	\$35M	22
25th Street Bridge	\$15.5M	0
Westdale changes	\$200,000	0

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 207

The design of the 25th Street Bridge crossing was previously authorized by the City Council. This design is underway and will be completed this year. The construction of a floodway bridge is currently programmed in the CIP for 2006/2007; however, this project could be advanced by City Council action.

Connections, such as the 25th Street Bridge, to the Interstate system will require the KDOT and Federal Highway Administration approval and project review. Lesser involvement by KDOT and FHWA is anticipated for the 13th Street, or the 21st Street Bridges since no Interstate connection will result.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

The following persons spoke in favor of a 13<sup>th</sup> Street Bridge:

Fran Hoggatt, 536 South Firefly  
Bob Bulman, 2630 North Northshore  
Sean Cash, 1241 North Pine Grove  
Rev. Wanda McDaniels, 520 West 25<sup>th</sup> North  
Richard Rumsey, 2308 Hyacinth  
Patrick Walters, Covington  
Don Cloghman, 2224 Manhattan  
Terry Alderdise, 2807 Benjamin

The following persons spoke in favor of a 25<sup>th</sup> Street Bridge:

John Dittmer, 823 Litchfield  
Rosalie Bradley, 1401 Julianne  
Kathy Dittmer, 823 Litchfield  
Claire Willenberg, 1402 Garland  
Bob Wine, 1402 North Doris Circle

Tom Devine

2543 Bullinger suggested the DAB or an advisory board work with the Park Board regarding a wildlife park with nature trails in Peninsula Park between the floodway and big Arkansas River; and the addition of emergency vehicle/pedestrian ramp for access to Peninsula Park.

John Van Wallegher

2524 Hyacinth Lane said that if 25<sup>th</sup> Street is approved, special attention should be given to traffic control stoplights and signs, and sidewalks in the area.

Harris McGuire

Mr. Harris said the Item in question is how to cross the "Big Ditch." Mr. Harris urged approval of arterial connectors, as many as possible, as soon as possible.

Council Member Fearey

Council Member Fearey said all three locations provide additional traffic in older/established neighborhoods. Council Member Fearey spoke in support of the 25<sup>th</sup> Street Bridge recommendation, including neighborhood involvement into traffic in the neighborhood.

Council Member Martz

Council Member Martz stated that in 1995 and again in 2000, the engineering firm of Parsons, Brinckenhoff, Quade, and Douglas was retained by the City of Wichita to conduct a traffic congestion relief study, also known as a Major Investment Study, or MIS. The combined cost of the two studies amounted to approximately \$260,000 with both studies providing the same basic results. It is assumed this firm is a well-qualified firm and their results may be relied upon or the City would not have contracted twice for the same study.

It was reported to the Council in November 2000 that part of the procedure to ensure accuracy of numbers included an audit of the numbers provided by the Planning Department. This audit or review was conducted by the previously named consulting firm and was determined to be accurate and unbiased. The objectives of the study included current traffic counts and trends, projections of traffic for year 2030, examination of new alternatives, evaluation of all feasible alternatives, identification of potential alternatives, and involvement of both public and elected officials.

The study stated four times that "street improvements assumed to be completed in year 2030 Transportation Plan included improvement of the I-235 interchange at Central and Kellogg."

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 208

The level of service for traffic is indicated in the study with grades from A to F with C being Preferred, D as Minimal, E as Poor, and F as Intolerable. The study stated that the current level of service at the Canal Route and Arkansas River is a grade C. The study states that 12 crossings with a total of 46 lanes cross the Canal Route and are used by an average of 5,100 cars per lane per day. At the Arkansas River, 11 crossings are counted with 44 lanes of traffic used by an average of 5,400 cars per lane per day. In contrast, 5 crossings with 22 lanes exist over the Floodway and are used by an average of 8,000 cars per lane per day, resulting in a D/E level of service.

Even with street improvement projects for the Central & Kellogg interchanges at I-235 identified for the adopted year 2030 of the Transportation Plan, the projected level of service in the study area for 2030 is a low F due to the projection of 10,700 cars per lane per day.

To obtain a C level of service over the Floodway in the year 2030 and enjoy the same level of service as currently provided by the crossings at the Canal Route and the Arkansas River, the interchange improvements at I-235 plus 3 additional crossings would be required. To reach level D service, the interchange improvements and 2 additional crossings would be required while 1 additional crossing would produce an E level.

Council Member Martz said he did agree that the elimination of the Westdale Drive intersection at Zoo Boulevard, allowing the removal of the I-235 ramp intersection signals, would help relieve traffic congestion for the Zoo crossing over the Floodway but agree with the consultant statement that this is a "short-term improvement."

The study also shows the order of best results for the traffic relief stating that if only one bridge is built, a 13th Street crossing would produce the best results. The previously provided staff report supports the consultant study by stating several times that the "13th Street option will provide greater overall traffic relief from a singular bridge, according to traffic projections," and also "if the City were to commit to only one crossing over the floodway in the future, then it would recommend the 13th Street location."

The cost differential between 25th and 13th Street bridges is said to be \$10 million. I differ from that conclusion. The Staff Report states that the 25th Street numbers do not include improvement on 29th between Ridge and West. This report estimates the cost to be \$600,000. If other costs in the report are examined, this number could not be accurate. The staff report states that 29th Street improvements to four lanes from Maize to Tyler will be \$3.675 million and from Tyler to Ridge will be \$2.33 million. The only reason that the street construction from Ridge to West would cost only \$600,000 is if only two lanes or something less were being considered—"and I would not support building a \$15 million bridge leading to a two-lane street to help reduce traffic." It might be more realistic to use the numbers from the proposed 2002-2011 CIP that shows the cost of building 29th from Ridge to Hoover in 2008 at \$3.675 million or 29th from Hoover to West in 2004 at \$3.675 million for a total of \$7.35 million. The only reason for 29th to cost this amount is if a bridge were built at 25th Street. In addition, staff have acknowledged that Sedgwick County expressed they had no interest in contributing to the cost of a bridge at 25th Street. "I have confirmed this with several of the commissioners. At the same time, those commissioners have stated that they would participate in the funding of a bridge at 13th Street."

With these cost points in mind—calculations including \$7.35 million less on street construction costs and an estimate of \$3 million contributed by the county—indicates no cost difference between a bridge at 13th Street and one at 25th Street. In addition, a bridge at 25th will require another \$6 million for the interchange improvement—a cost that KDOT says they will not fund—making a bridge at 25th actually cost even more.

The only reason to build a bridge over the floodway is for traffic relief. As stated earlier, almost 60% more cars per lane are crossing the flood way as compared to either the Canal Route or the Arkansas River. With 8,000 cars per lane over the Floodway compared to 5,100 and 5,400 over the other crossings, the need is to reduce the number of cars per lane over the Floodway, not increase access to I-235. By staff's numbers on page 4 of their report, a bridge at 25th Street will reduce traffic over Zoo Boulevard crossing by 1,000 cars per day. In comparison, a bridge at 13th Street will reduce traffic over Zoo Boulevard crossing by 17,000 cars per day. By 2030, the comparison is 3,000 per day due to a 25th Street bridge versus 29,000 due to a 13th Street bridge.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 209

In 2000, an unknown source sent out a mailer to people in District V asking their opinion of a bridge over the floodway. I had no part in the mailer but the response cards were mailed directly to me. I was not involved in sending the letters out and I did not request it to be sent out. I did, however, keep all of the cards that were returned to me. The results of this, at last count, were: 30 - No bridge; 29 - 21st or 25th Street; and 1,772 - 13th Street.

"I also want to point out the DAB V was unanimously in support of 13th Street for the bridge site."

Taking everything into consideration including:

1. The consultant recommended 13th Street
2. No real cost differential—in fact, final cost result of 25th would be more.
3. 13th Street is the absolute best way to reduce traffic.
4. The vast majority of residents in District V are in agreement.

"I most strongly recommend and would ask for your support in building a bridge over the Floodway at 13th Street."

Steve Lackey

Director of Public Works, responding to questions, said the number of homes to be taken is based on the best information available. Completed environmental studies could make the number increase.

Motion --  
-- failed

Martz moved that a 13<sup>th</sup> Street Bridge be designated for the floodway bridge. Motion failed 4 to 3. Brewer, Fearey, Pisciotte, Knight – No.

Motion --  
-- carried

Fearey moved that the 25th Street site be designated as the preferred floodway bridge, and the proposed related improvements at Westdale and Zoo Blvd. be authorized. Motion carried 4 to 3. Gale, Lambke, Martz – No.

RECESS

The City Council recessed at 11:15 a.m. and reconvened at 11:22 a.m.

(The Council proceeded to take up Items 12 and 13. Action is shown in Agenda order.)

## NEW BUSINESS

**WATER LINE**

**PETITION TO CONSTRUCT A WATER LINE TO SERVE AN AREA SOUTH OF K-42 HIGHWAY, EAST OF MAIZE ROAD.** (District V)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-1127

The signatures on the Petition represent 5 of 14 (35.7%) resident owners and 58.5% of the improvement district area. District V Advisory Board held a February 4, 2002, neighborhood hearing on the Petition. The Board voted 9-0 to recommend approval.

The project will serve a partially developed industrial park that has been annexed into the City.

The estimated project cost is \$230,000, with \$165,000 assessed to the improvement district and \$65,000 paid by the Water Utility. The method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.035 per square foot. The Utility share is for the cost of oversizing the pipe to serve future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --  
-- carried

Martz moved that the Petition be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer.. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 210

## RESOLUTION NO. 02-147

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89673 (south of K-42 Highway, east of Maize Road) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

**GEORGE WASH.**

### **GEORGE WASHINGTON BOULEVARD AT MT. VERNON INTERSECTION IMPROVEMENT.** (District III)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-1128

The Capital Improvement Program includes an ongoing program to relieve traffic congestion at major intersections. One location planned for improvement is the intersection of George Washington Boulevard at Mt. Vernon. The City Engineer's office staff has presented the plan to affected property owners, tenants, and to the District III Advisory Board. The design plan needs to be finalized so that detailed construction plans can be completed.

The design plan provides for the reconstruction of the intersection to provide left turn lanes on George Washington Boulevard at Mt. Vernon. The available right-of-way will be landscaped.

The CIP budget for the improvement is \$425,000. The funding source is a combination of General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --  
-- carried

Lambke moved that the design plan be approved and completion of the construction plans be authorized. Motion carried 7 to 0.

**OUTFALL DESIGN**

### **FIRST AND SECOND STREETS WEST OUTFALL DESIGN.** (District VI)

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 02-1129

Drainage problems in the area bounded by Kellogg (on the south), the Big Ditch (on the west), Zoo Boulevard and Central (on the north) and the Arkansas River (on the west) have been a concern to Wichita citizens for years. Major street flooding is a problem for that area as evidenced by the flooding that occurs at the intersection of West and Douglas. The current storm drains are inadequate for the amount of drainage from the adjacent areas.

Several years ago, the City hired the firm of MKEC Engineering Consultants to study the area and provide a master plan for drainage improvements. Their work was completed in September 2000. They recommended four new major storm sewer outfalls for the area, estimated to cost approximately \$46.8 million. The 1st and Second Street West Outfall project was one of the recommended projects, estimated to cost a total of \$11,340,000. This project will install a major storm sewer outfall on Athenian from the Arkansas River to First Street, on First Street from Athenian to Gordon, on Gordon from First Street to Second Street, on Second Street from Gordon to West Street, and on West Street from Douglas to St. Louis. The project would not only improve drainage on those streets, but will provide adequate capacity to drain the adjacent neighborhoods in the future.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 211

Funding for the design portion of this project is included in the 2002 Capital Improvement Program (CIP) budget. The funds needed to complete this phase of the project will be bonded with debt service to be repaid through the Storm Water Utility. Funding for construction is shown in the 2004 and 2005 CIP budgets.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Fearey moved that the expenditure be approved; the Resolution be adopted; and the project design and  
-- carried construction be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 02-148

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for design for public improvements at First and Second Streets West Outfall (SW862003), presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## **MURDOCK** **MURDOCK AT WABASH DRAINAGE.** (District I)

Steve Lackey Director of Public Works reviewed the Item.

Agenda Report No. 02-1130

In 1999, the City improved Murdock from Waco to Wabash and the project included new drainage pipes and inlets. Due to limited funding, the new drainage system stopped at Wabash and was not extended east to the Wichita Drainage Canal. In this area, utilities on older, smaller systems result in street flooding at Wabash during significant rains.

The proposed project will install a new drain line from Wabash to the Wichita Drainage Canal. The estimated cost to complete the project is \$300,000.

Funding for design and construction is included in the 2002 Capital Improvement Program (CIP) budget. The funds needed to complete this phase of the project will be bonded with debt service to be repaid through the Storm Water Utility.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Brewer moved that the expenditure be approved; the Resolution be adopted; and the project design and  
-- carried construction be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 02-149

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for public improvements at Murdock at Wabash, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## **LAWRENCE DUMONT** **LAWRENCE-DUMONT STADIUM LEASE EXTENSION.**

Steve Lackey Director of Public Works reviewed the Item.

Agenda Report No. 02-1131

On January 17, 1989, The City of Wichita and Wichita Baseball Incorporated (WBI) entered into an agreement, which provided Wichita a professional baseball team and kept the National Baseball Congress (NBC) in Wichita. The agreement was for a duration of fifteen (15) years. The agreement required WBI to provide day-to-day maintenance of the facility, staff events, and contract with a

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 212

professional baseball team. As part of the agreement, the City of Wichita was responsible for major maintenance repairs or capital improvements and required to assist in annual replacement of maintenance equipment.

Due to recent improvements at Lawrence-Dumont Stadium, WBI has agreed to extend their agreement another five years. Further, the Kansas City Royals have extended their agreement with WBI for four more years with expectations of staying beyond this four-year period. The extension also provides for the NBC tournament to remain in Wichita. The agreement extension is similar to the 1989 agreement except for updates in maintenance credits and annual equipment replacements from the budgets established in 1989 to reflect 2002 costs.

The Lease Agreement Extension establishes a total budget amount for routine maintenance expenses and for utilities of two hundred and thirty three thousand dollars (\$233,000), which represents a credit toward accrued rent due to the City of Wichita. In addition, the City will purchase and replace maintenance equipment annually at an average cost of twenty six thousand dollars (\$26,000) per year.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Knight moved that Extension of the Lease Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## ANNUAL REPORT

## ANNUAL COMPREHENSIVE COMPLIANCE REPORT.

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-1132

The City of Wichita provides various financial incentives to attract and encourage business expansions. These include Industrial Revenue Bond (IRB) financing, Economic Development Tax Exemptions (EDX), CDBG loans and grants, and HOME funding. Monitoring is performed to ensure compliance with conditions associated with issuance of revenue bonds, tax exemption approval, CDBG funding, and HOME funding. The Comprehensive Compliance Report provides an analysis of the current status of compliance relative to participating businesses and agencies for the years 1994 through 2001.

The Comprehensive Compliance Report reflects specific compliance conditions and current status of projects receiving City assistance through IRB, EDX, CDBG and HOME programs. During 2001, ten IRBs were issued, eight EDX approvals, and 150 CDBG contracts were awarded. There were no HOME-funded multi-family projects completed during 2001.

As a requirement of the City's IRB Policy and Business Incentive Policy, there are a number of conditions that must be met before City Council approval. Compliance criteria for IRB and EDX include advertising for minority contractors, submittal of water conservation measures and an environmental assessment, and having site plans reviewed by a design council if building construction is involved. There are also a number of compliance conditions that are required on an ongoing basis such as submittal of an Equal Employment Opportunity/Affirmation Action Plan, paying an annual administrative service fee, job creation, and capital investment. For example, in 2001, all IRB and EDX companies are in compliance with the requirement to have an EEO/AA plan on file. Ninety-six percent of companies are in compliance with the IRB administrative fee requirement. Staff is working with the four companies that are not in compliance. As a result of the IRB and EDX projects that were approved in 2001, 1023 new jobs will be created and Wichita businesses report a capital investment of over \$471.8 million. This compares to 2822 jobs created and \$235.4 capital investment in 2000.

In order for projects to be approved for CDBG funding, the project must benefit low or moderate-income persons, or eliminate slum or blighting condition. The 2001 Comprehensive Compliance Report reflects 150 CDBG contracts were awarded with a total value of \$2 million. The percentage of minority contractor participation is 79%. The City exceeded the local requirement (10%) for minority participation by a factor of seven.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 213

Developer/Project owners requesting HOME funding for residential apartment projects must contractually agree to maintain a certain number of affordable apartment units for income-qualified individuals/families. These units must be offered at rents that comply with HOME program regulations for a predetermined period of time (affordability period), which is based on the amount of HOME funds invested and project type. In addition, apartment units must be maintained in compliance with local housing standards during the affordability period. The Comprehensive Compliance Report reflects nine HOME funded projects valued at \$3.4 million, since 1994. There were no HOME-funded multi-family projects completed during 2001.

Conditions of compliance are monitored regularly by City staff through annual on-site monitoring visits, contractor and subcontractor interviews, required annual monitoring surveys, annual recertifications, review of certain contractor and subcontractor payrolls, and review of required submittals. Businesses and agencies not in compliance are notified and required to work with City staff for the purpose of full compliance with all conditions.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried Knight moved that the report be received and filed. Motion carried 7 to 0.

## **NGBRHOOD GRANT NEIGHBORHOOD MATCHING GRANT PROGRAM.**

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 02-1133

The City's commitment to neighborhoods continues to evolve with the growing importance of the District Advisory Boards (DABs). District Advisory Boards play an important role for gaining input on issues, policies and neighborhood concerns. DAB members have often expressed an interest in becoming involved in neighborhood projects that improve the infrastructure or events that encourage citizen involvement. To assist DABs in efforts to work with and support neighborhood activities, the City, in the proposed 2002-2003 budget, proposed a Neighborhood Matching Grant Program.

A new Neighborhood Matching Grants Program is being proposed to provide an incentive for neighborhoods to plan and carry out improvement projects and to encourage citizen engagement for such projects and/or other events or programs. Grants would be available to each DAB for creative initiatives that improve neighborhoods, encourage public safety, build a greater sense of community and encourage citizen involvement. Eligible programs/projects may include: garden/landscaping/street/park projects; playground and park enhancements; public art and neighborhood beautification; and events and programs.

Under the proposed program, each DAB will receive a \$25,000 allocation that must be matched with dollars, in kind contributions and/or "sweat equity." Matching grants will be dispersed in the categories of: less than \$1,000; less than \$2,500; and less than \$5,000. In special circumstances, a DAB may allocate a matching grant of up to \$10,000. Grant applications will be submitted to Neighborhood Assistants who will review the applications for eligibility. Each DAB will be able to select the projects (to be awarded funding) by utilizing either the full DABs memberships or a selection committee as defined by the DAB. Projects will be selected based upon the benefit to the neighborhood; citizen involvement; project readiness; and neighborhood match. The program provides that projects may receive extra credit if the match exceeds fifty (50) percent.

The Adopted 2002 Budget includes \$150,000 for the Matching Grant Program.

The City has the legal authority to enter into a matching grant program with neighborhoods. Neighborhoods will be required to sign a contract which specifies their contribution to the project.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 214

Motion -- Knight moved that the Neighborhood Matching Grant Program be approved and funding in the amount of \$150,000 with a \$25,000 budget to be allocated to each District Advisory Board be authorized.  
-- carried Motion carried 7 to 0.

## **FESTIVAL ORD.**

## **CONSIDERATION OF PROPOSED FESTIVAL ORDINANCES.**

Chris Cherches City Manager suggested the City Council consider deferring this Item until April 9<sup>th</sup>, at which time the Park Board will have had time to review the Item.

Motion -- carried Lambke moved that this Item be deferred until April 9, 2002. Motion carried 7 to 0.

## **CORR. HOUSING**

## **RESOLUTION ESTABLISHING A MORATORIUM FOR THE RE-LICENSING OF EXISTING ALTERNATIVE CORRECTIONAL HOUSING FACILITIES.**

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report No. 02-1135

In May of 2001, spacing requirements were enacted by the City Council for alternative correctional housing facilities having a sex offender population. Section 20.08.120 of the City Code provides that any new alternative correctional housing facility may not be licensed and any existing such facility may not be relicensed if it is within 1,200 feet of several various uses, including public or private preschools; elementary, middle and high schools; day care centers; public parks or playgrounds; private businesses that primarily serve children or youth under age 18; residences or agencies that provide on-site services to persons with developmental, physical or mental disabilities; taverns or drinking establishments; adult entertainment establishments; and residential zoning districts.

At the time the Council enacted Section 20.02.120 of the Code, it was apparent that three existing alternative correctional housing facilities would be ineligible for relicensing due to the spacing requirements. These facilities are Mirror, Inc. at 3820 N. Toben, Mirror, Inc. at 236 S. Pattie, and Dodge House at 735-739 N. Topeka. The City Council directed the Alternative Correctional Housing Advisory Board (the Board) to study the issue of reintegration of sex offenders into the Wichita community, and to formulate a recommendation for the Council regarding alternative correctional housing facilities that house sex offenders.

The Board worked diligently on this assignment, gathering facts, listening to presentations from experts in this area, and weighing various alternatives in an attempt to determine the best course of action to recommend to the Council. As part of this process, the Board is currently seeking public input from several different citizen groups. The members of the Board consider full and complete public input a necessary and vital component of any recommendation that it might present to the Council.

The proposed Resolution would place a moratorium on the enforcement of spacing requirements as they apply to the relicensing of existing alternative correctional housing facilities only. This moratorium would be for up to 90-days, and would extend the licenses of the existing alternative correctional housing facilities that are scheduled for relicensing during this 90-day time period.

The moratorium on the enforcement of Section 2.08.120 of the City Code would provide extra time during which the Board can hear the issue fully debated by the public. The Board would also seek to obtain public input on this matter from many different sources and groups including District Advisory Boards, and would then formulate a recommendation to send to the City Council.

There are no financial considerations.

The City has the authority to establish an enforcement moratorium for specific purposes and a limited time.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 215

Motion – carried

Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 02-150

A Resolution of the governing body of the City of Wichita declaring a Moratorium on the Enforcement of Certain Sections of the Code of the City of Wichita, pertaining to spacing requirements for the re-licensing of existing Alternative Correctional Housing Facilities, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## PAVING ASSMTS.

### **PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR 22 PAVING PROJECTS IN JULY 2002 BOND SALE SERIES 770.**

Agenda Report No. 02-1136

The Council was notified on February 5, 2002, that the proposed assessment rolls were on file for public inspection in the Debt Management Section of the Finance Department.

Notice of hearing was published February 8, 2002 ten days prior to the date of hearing, and affected property owners have been notified in writing. City personnel held an informal hearing February 25, 2002, for the paving projects.

Statements of Special Assessment will be mailed to the property owners on April 5, 2002. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2002 Bond Sale and put on the 2002 tax roll over a 15-year spread at the interest rate for which the bonds sell.

These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. All were 100% petitions with the exception of:

Project No.:			
472-81275	60.8%	Petition	Lewis Street
472-82855	76.9%	Petition	Mead
472-83062	62.74%	Petition	135th Street West
472-83080	53.3%	Petition	Butler
472-83083	55%	Petition	Rita
472-83128	57.7%	Petition	32nd Street North
472-83146	54.6%	Petition	Flora
472-83150	62.1%	Petition	Fairview
472-83188	57.4%	Petition	University Avenue
472-83193	89%	Petition	Taft Court
472-83210	75%	Petition	Bullinger
472-83249	83%	Petition	Clear Creek Circle

On February 5, 2002, the Council was notified that the Proposed Assessment Rolls for construction of the following paving projects has been prepared and were on file in the office of Debt Management in the Finance Department for public inspection:

### **PAVING PROJECTS:**

a) (490-715/765604/472-81275) - Improving Lewis Street, from the east line of Greenwich Road, east to the east line of Schofield-Hatchett Fourth Addition (north of Kellogg, east of Greenwich), as authorized by Resolution, adopted May 31, 1983; and Resolution No. R-00-040, adopted February 8, 2000, published February 11, 2000. Petition for this improvement was signed by owners representing 60.8 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$135,938.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a square foot basis.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 216

- b) (490-555/764522/472-82855) - Improving of Mead, from the north line of Douglas to the south line of First Street (east of Broadway, south of Central), as authorized by Resolution No. R-97-311, adopted August 26, 1997, published September 12, 1997; and Rescinding Resolution No. R-99-472, adopted December 14, 1999, published December 17, 1999. Petition for this improvement was signed by owners representing 76.9 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$956,418.00 is to be apportioned 50 percent payable by the improvement district, and 50 percent payable by the City-at-Large. The cost has been assessed on a square foot basis.
- c) (490-760/765649/472-82872) - Improving of Pepper Ridge from the south line of Lot 1, Block 5, to the north line of Lot 11, Block 5; Pepper Ridge Courts serving Lots 45 thru 50, Block 1, and serving Lots 51 thru 59, Block 1, and; Sidewalk on the east side of Pepper Ridge from the south line of Lot 1, Block 5, to the north line of Lot 11, Block 5 (north of 29th Street North, east of Tyler), as authorized by Resolution No. R-97-351, adopted September 23, 1997, and published September 30, 1997. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$256,533.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- d) (490-750/765639/472-83031) - Improving of Bedford/Killarney/Ritchfield, from the south line of Lot 57, Block 1 to the south line of Lot 14, Block 4; Bedford, from the north line of Killarney to the north line of Lot 63, Block 1; Bedford Court, serving Lots 16 thru 24, Block 3; and Sidewalk on the east, south, and west side of Bedford/Killarney/Ritchfield (north of Central, east of Greenwich), as authorized by Resolution No. R-98-539, adopted December 22, 1998, and published December 24, 1998. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$338,006.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.
- e) (490-689/765578/472-83062) –  
This Item deferred until April 2, 2002 Meeting
- f) (490-691/765580/472-83080) - Improving of Butler from the east line of K-15 State Highway to the west line of Clifton (south of 31st Street South, east and west of Hillside), as authorized by Resolution No. R-97-322, adopted September 16, 1997, published September 19, 1997; and Rescinding Resolution No. R-99-082, adopted March 2, 1999, published March 5, 1999. Petition for this improvement was signed by owners representing 53.3 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$156,593.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a front foot basis.
- g) (490-684/765573/472-83083) - Improving of Rita, from the east line of West Street to Kessler, and Kessler from Rita to the south line of Jewell (north of Pawnee, east of West), as authorized by Resolution No. R-99-091, adopted March 16, 1999, published March 19, 1999; and Amending Resolution No. R-01-198, adopted May 8, 2001, and published May 12, 2001. Petition for this improvement was signed by owners representing 55 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$230,157.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a square foot basis.
- h) (490-759/765648/472-83109) - Improving of Mount Vernon from the east line of Lot 3, Block 5, to the east line of Lot 20, Block 6; Longlake Street from the east line of Lot 10, Block 6, to the southeasterly line of Lot 16, Block 6; Justin Street from the southeasterly line of Lot 16, Block 6 to the north line of Mount Vernon, and; Justin Circle from south line of Mount Vernon to and including cul-de-sac, (south of Harry, west of Greenwich), as authorized by Resolution No. R-99-233, adopted June 15, 1999, and published June 18, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$252,247.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 217

i) (490-751/765640/472-83122) - Improving of Cranbrook from the north line of Lot 1, Block 6, south to the south line of the plat; Mt. Vernon Street from the east line of Cranbrook, east of the east line of the plat; and Sidewalk along both sides of Cranbrook from the north line of Lot 1, Block 6, south of the south line of the plat (south of Harry, east of Webb), as authorized by Resolution No. R-99-239, adopted June 22, 1999, and published June 25, 1999. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$139,900.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.

j) (490-704/765593/472-83128) - Improving of 32nd Street North from Fairview to and including a Hammerhead Turnaround east of the Drainage Ditch (north of 29th Street North, west of Broadway), as authorized by Resolution No. R-99-265, adopted July 13, 1999, published July 16, 1999, and Amending Resolution No R-01-503, adopted December 11, 2001, published December 15, 2001. Petition for this improvement was signed by owners representing 57.7 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$116,824.00 is to be apportioned 74 percent payable by the improvement district, and 26 percent payable by the City-at-Large. The cost has been assessed on a square foot basis.

k) (490-713/765602/472-83146) - Improving of Flora from the north line of St. Louis Avenue to the south line of Killingsworth Addition (south of Central, east of Hoover), as authorized by Resolution No. R-99-408, adopted October 19, 1999, and published October 22, 1999. Petition for this improvement was signed by owners representing 54.6 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$156,850.00 is to be apportioned 90 percent payable by the improvement district, and 10 percent payable by the City-at-Large. The cost has been assessed on a square foot basis.

l) (490-719/765608/472-83150) - Improving of Fairview, from the north line of 32nd Street North to the south line of 33rd Street North, as authorized by Resolution No. R-99-432, adopted November 9, 1999, and published November 12, 1999. Petition for this improvement was signed by owners representing 62.1 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$128,404.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a square foot basis.

m) (490-734/765623/472-83188) - Improving of University Avenue from the east line of Knight Street to the west line of Sheridan Avenue (south of Maple, west of West Street), as authorized by Resolution No. R-00-036, adopted February 1, 2000, published February 4, 2000, and republished December 7, 2001. Petition for this improvement was signed by owners representing 57.4 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$142,134.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a square foot basis.

n) (490-735/765624/472-83193)  
This Item deferred until April 2, 2002 Meeting.

o) (490-740/765629/472-83210) - Improving of Bullinger, from 120' north of the north line of 26th Street North to the south line of 27th Street North (south of 29th Street North, west of Meridian), as authorized by Resolution No. R-00-137, adopted April 4, 2000, and published April 7, 2000. Petition for this improvement was signed by owners representing 75 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$69,666.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a square foot basis.

p) (490-742/765631/472-83234) - Improving of Central Park, Parkridge, Central Park Courts, Parkridge Court, and; Sidewalk on one side of Central Park and Parkridge, (south of 29th Street North, east of 119th Street West), as authorized by Resolution No. R-00-194, adopted May 2, 2000, and published May 5, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$353,373.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 218

q) (490-753/765642/472-83249) - Improving of Clear Creek Circle from the north line of Gilbert, north to and including the cul-de-sac; and on Gilbert, from the east line of Lot 1, Block 7, west to the west line of the plat (south of Kellogg, east of 127th Street East), as authorized by Resolution No. R-00-280, adopted July 18, 2000, and published July 24, 2000. Petition for this improvement was signed by 5 of 6 owners representing the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$210,869.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.

r) (490-769/765658/472-83251) - Constructing a Traffic Signal to serve the intersection of 21st Street North and Bradley Fair Parkway (south of 21st Street North, west of Webb Road), as authorized by Resolution No. R-00-263, adopted June 27, 2000, published June 30, 2000, and Rescinding Resolution No. R-01-495, adopted December 11, 2001, published December 15, 2001, republished December 24, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$112,410.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.

s) (490-755/765644/472-83255) - Improving of Rutgers, Ryan, Central Park, Ryan Circle, Rutgers Court, Sterling, Sterling/Parkdale, Parkdale; and Sidewalk along the west and north side of Rutgers/Central Park; on the west side of Sterling/Rutgers and the east side of Parkdale from the south line of Lot 11, Block 7, to Parkdale (north of 21st Street, west of Maize Road), as authorized by Resolution No. R-00-311, adopted August 8, 2000, and published August 11, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$547,387.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.

t) (490-763/765652/472-83257) - Improving of Killenwood from the east line of Greenwich to the west line of Reserve B (south of 13th Street North, east of Greenwich), as authorized by Resolution No. R-00-304, adopted August 1, 2000, published August 4, 2000, republished September 8, 2000; and Rescinding Resolution No. R-00-348, adopted September 26, 2000, published September 30, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$96,473.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.

u) (490-764/765653/472-83268) - Improving of Killenwood Court from the north line of Killenwood to and including the cul-de-sac serving Lots 1 through 10, Block 1 (south of 13th, east of Greenwich), as authorized by Resolution No. R-00-349, adopted September 26, 2000, and published September 30, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$78,771.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.

v) (490-788/765677/472-83312) - Improving of Ellson, from the west of Ellson to and including the cul-de-sac, serving Lots 1 through 4, Block 1, Ellson Court Addition (south of Central, east of Greenwich), as authorized by Resolution No. R-01-017, adopted January 9, 2001, and published January 13, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 11, 2001 in the amount of \$52,193.00 is to be apportioned 100 percent payable by the improvement district. The cost has been assessed on a fractional basis.

Hearing on each of the proposed assessment rolls has been set for 9:30 a.m., Tuesday, March 19, 2002. Notice of Public Hearing with respect to each of the projects was published February 8, 2002, being not less than 10 days prior to the date of hearing. On the date of publication, a "NOTICE OF HEARING AND PROPOSED SPECIAL ASSESSMENT" on each project was mailed to property owners concerned.

An informal hearing with City personnel was held on February 25, 2002.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 219

K.S.A. 10-1009 provides that all assessments shall bear interest at such rate as the Governing Body determines, not to exceed the rate allowed by law.

Mike Lindebak

City Engineer said persons desired to speak on Items e and n.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard on any other items and no one appeared.

Motion --

Knight moved that for all Items except e and n the public hearing be closed; the assessments be approved; and the Ordinances be placed on first reading; and Items e and n be deferred to April 2, 2002. Motion carried 7 to 0.

-- carried

a) (490-715/765604/472-81275)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Lewis Street, from the east line of Greenwich Road, east to the east line of Schofield-Hatchett Fourth Addition (north of Kellogg, east of Greenwich), introduced and under the rules laid over.

b) (490-555/764522/472-82855)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Mead, from the north line of Douglas to the south line of First Street (east of Broadway, south of Central), introduced and under the rules laid over.

c) (490-760/765649/472-82872)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Pepper Ridge from the south line of Lot 1, Block 5, to the north line of Lot 11, Block 5; Pepper Ridge Courts serving Lots 45 thru 50, Block 1, and serving Lots 51 thru 59, Block 1, and; Sidewalk on the east side of Pepper Ridge from the south line of Lot 1, Block 5, to the north line of Lot 11, Block 5 (north of 29th Street North, east of Tyler), introduced and under the rules laid over.

d) (490-750/765639/472-83031)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Bedford/Killarney/Ritchfield, from the south line of Lot 57, Block 1 to the south line of Lot 14, Block 4; Bedford, from the north line of Killarney to the north line of Lot 63, Block 1; Bedford Court, serving Lots 16 thru 24, Block 3; and Sidewalk on the east, south, and west side of Bedford/Killarney/Ritchfield (north of Central, east of Greenwich), introduced and under the rules laid over.

e) (490-689/765578/472-83062) –  
This Item was deferred until April 2, 2002 Meeting

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 220

f) (490-691/765580/472-83080)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Butler from the east line of K-15 State Highway to the west line of Clifton (south of 31st Street South, east and west of Hillside), introduced and under the rules laid over.

g) (490-684/765573/472-83083)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Rita, from the east line of West Street to Kessler, and Kessler from Rita to the south line of Jewell (north of Pawnee, east of West), introduced and under the rules laid over.

h) (490-759/765648/472-83109)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Mount Vernon from the east line of Lot 3, Block 5, to the east line of Lot 20, Block 6; Longlake Street from the east line of Lot 10, Block 6, to the southeasterly line of Lot 16, Block 6; Justin Street from the southeasterly line of Lot 16, Block 6 to the north line of Mount Vernon, and; Justin Circle from south line of Mount Vernon to and including cul-de-sac, (south of Harry, west of Greenwich), introduced and under the rules laid over.

i) (490-751/765640/472-83122)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Cranbrook from the north line of Lot 1, Block 6, south to the south line of the plat; Mt. Vernon Street from the east line of Cranbrook, east of the east line of the plat; and Sidewalk along both sides of Cranbrook from the north line of Lot 1, Block 6, south of the south line of the plat (south of Harry, east of Webb), introduced and under the rules laid over.

j) (490-704/765593/472-83128)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of 32nd Street North from Fairview to and including a Hammerhead Turnaround east of the Drainage Ditch (north of 29th Street North, west of Broadway), introduced and under the rules laid over.

k) (490-713/765602/472-83146)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Flora from the north line of St. Louis Avenue to the south line of Killingsworth Addition (south of Central, east of Hoover), introduced and under the rules laid over.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 221

- l) (490-719/765608/472-83150)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Fairview, from the north line of 32nd Street North to the south line of 33rd Street North, introduced and under the rules laid over.

- m) (490-734/765623/472-83188)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of University Avenue from the east line of Knight Street to the west line of Sheridan Avenue (south of Maple, west of West Street), introduced and under the rules laid over.

- n) (490-735/765624/472-83193)  
This Item was deferred until April 2, 2002 Meeting.

- o) (490-740/765629/472-83210)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Bullinger, from 120' north of the north line of 26th Street North to the south line of 27th Street North (south of 29th Street North, west of Meridian), introduced and under the rules laid over.

- p) (490-742/765631/472-83234)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Central Park, Parkridge, Central Park Courts, Parkridge Court, and; Sidewalk on one side of Central Park and Parkridge, (south of 29th Street North, east of 119th Street West), introduced and under the rules laid over.

- q) (490-753/765642/472-83249)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Clear Creek Circle from the north line of Gilbert, north to and including the cul-de-sac; and on Gilbert, from the east line of Lot 1, Block 7, west to the west line of the plat (south of Kellogg, east of 127th Street East), introduced and under the rules laid over.

- r) (490-769/765658/472-83251)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing a Traffic Signal to serve the intersection of 21st Street North and Bradley Fair Parkway (south of 21st Street North, west of Webb Road), introduced and under the rules laid over.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 222

s) (490-755/765644/472-83255)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Rutgers, Ryan, Central Park, Ryan Circle, Rutgers Court, Sterling, Sterling/Parkdale, Parkdale; and Sidewalk along the west and north side of Rutgers/Central Park; on the west side of Sterling/Rutgers and the east side of Parkdale from the south line of Lot 11, Block 7, to Parkdale (north of 21st Street, west of Maize Road), introduced and under the rules laid over.

i

t) (490-763/765652/472-83257)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Killenwood from the east line of Greenwich to the west line of Reserve B (south of 13th Street North, east of Greenwich), introduced and under the rules laid over.

u) (490-764/765653/472-83268)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Killenwood Court from the north line of Killenwood to and including the cul-de-sac serving Lots 1 through 10, Block 1 (south of 13th, east of Greenwich), introduced and under the rules laid over.

v) (490-788/765677/472-83312)

## ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Ellson, from the west of Ellson to and including the cul-de-sac, serving Lots 1 through 4, Block 1, Ellson Court Addition (south of Central, east of Greenwich), introduced and under the rules laid over.

## EVENTS FACILITY

### **GEORGE FAHNESTOCK – SPORTS COMMISSION PRESENTATION ON PROPOSED REGIONAL EVENTS FACILITY.**

George Fahnestock

George Fahnestock gave a summary of the “White Paper Report on a Dynamic Sports and Entertainment Complex in the Heart of Wichita.”

The Greater Wichita Area Sports Commission was selected to lead the Downtown Arena Coalition – and a feasibility committee comprised of members of the Sports Commission and other individual knowledgeable in relevant areas was formed. The Feasibility Committee was given seven specific issues to be considered during the study:

1. Long-range utilization of existing facilities.
2. General interest and use for such a facility.
3. Design and cost of construction.
4. Support of city and county governments.
5. Wichita State University’s involvement.
6. Management of existing facilities and a Regional Event Center.
7. Financial instruments, availability and feasibility.

Based on analysis, the Committee determined that such a facility had great potential for the community if it embraced more than sports and included major entertainment that the Kansas Coliseum could not attract.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 223

The Committee was successful in raising a marketing and communications budget of \$596,000 in private funding from companies and individuals who believe that this sports and entertainment complex would be of great benefit to the downtown area and all the citizens of Wichita.

The Feasibility Committee came to these conclusions:

1. A dynamic complex will enhance the quality of life.
2. The DynaPlex would have a dynamic impact on the revitalization of Downtown Wichita.
3. It will have a dramatic economic impact on Wichita.
4. The DynaPlex will be a first-class facility of which all Wichitans will be proud.
5. The DynaPlex will give Wichita a first-class image.

The Kansas Coliseum does not meet today's need for a quality sports and entertainment facility. If the DynaPlex initiative fails, Sedgwick County and the Kansas Coliseum has developed plans for upgrading the facility at a cost of \$50 to \$100 million which could then involve a mill-levy increase.

Allen Bell

The Kansas Coliseum will work in harmony with the new Sports and Entertainment Complex. Financial Projects Director said he had served as an advisor to the Sports Commission Arena Committee with respect to developing a Plan of Financing for the proposed project. Resources from both the City and County finance departments have been provided to assist in developing the plan in order to ensure that it is based on reliable information. The financing plan consists of the issuance of City general obligation and/or sales tax revenue bonds in an amount up to \$150 million, to be repaid from a Citywide 1/2 percent sales tax that would last for 13 years if approved by the voters. The interest rate on the 13-year bonds is assumed to be 4.75%. A recent \$16 million bond issue for Levitt Arena improvements, issued by the Kansas Development Finance Authority, sold at an average rate of 4.5% for 20-year bonds.

The Sports Commission intends to seek private funding of \$15 million to reduce the City debt to \$135 million. However, the viability of the financial model is not dependent on additional funding. The 1/2% sales tax will have a sunset of 13 years, which cannot be extended without voter approval. It can be shortened if the bonds are retired early.

The financial plan also provides for rebates of sales tax moneys for certain purposes. The term of the tax has been increased by several years to provide adequate cash flow to fund 2 tax rebate programs: a senior citizen rebate to qualified senior citizens, age 65 and older, based on the 1/2% tax; and a vehicle tax rebate to purchasers of new and used cars, vans and trucks sold within the Wichita city limits, based on the 1/2% Citywide sales tax and the 1% Countywide sales tax. For administrative purposes, the vehicle rebates to car buyers will be made through automobile dealers.

The plan of financing includes a plan for using any surplus sales tax cash flow, beyond what is needed for debt service on bonds and rebates. Surplus cash flow is a typical feature of bond issues paid from revenue streams. The Progress and Development Fund (as it is called by the Sports Commission) lays out potential uses of surplus cash flow, including an operating reserve and capital repair fund designed to cover needs for 30 years. Beyond that need, additional surplus funds could be used for various purposes including early retirement of debt, core area infrastructure projects, public safety, signage, promotion, etc. All sales tax revenues will be the responsibility of the City and use of all funds must be approved by the City Council."

Rick Horrow

Rick Horrow, Horrow Sports Ventures, reviewed several case studies including Oklahoma City, Jacksonville, San Antonio, Diluth, and other area referendums and successes.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

The following persons spoke in support of the DynaPlex referendum:

Abdul Rahim, equal opportunity organization  
John Whitman, Voice Stream Wireless  
Brad Anderson  
Harold Johnson, Steven Motor Group  
Troy Carlson, BIG of Wichita  
Les Depperschmidt, 154 North Broadway – Wichita Downtown Development Corp.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 224

The following persons spoke against the referendum:

Karl Peterjohn, Executive Director of Taxpayers Network  
Ted Mangold, Manager of Royal Lounge Downtown  
Benny Bowman  
Gary Wright, 4319 East Waterman  
Don Anderson, 911 North Armour  
Steve Roberts, 1832 Farmstead  
Henry Helgersen, 4009 Hammond

The following persons requested amendment of wording of question including changing the percentage of car sales and other rebates:

Denny Lubbers, 531 North Forestview, Lubber Brothers of Cheney  
Jim Hattan, 543 Birkdale Court, Hattan/Hattan Chevrolet  
John Culver, 8920 Summerfield, Parks Motors  
John Todd, 1559 Pawnee

Motion --

Knight moved that the Ordinance to consider the request of the Sports Commission to set a special election for May 21, 2002, regarding a ½ cent sales tax and the use therefore, for a proposed Regional Sports and Entertainment Center; be placed on first reading; the cost of the election to be paid by the Sports Commission. Motion carried 7 to 0.

-- carried

## ORDINANCE

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS, PROVIDING FOR THE CALLING OF A SPECIAL ELECTION ON THE QUESTION OF IMPOSING A ONE-HALF PERCENT (.50%) CITYWIDE RETAILERS' SALES TAX TO BE EFFECTIVE OCTOBER 1, 2002, FOR A TERM OF THIRTEEN YEARS, FOR THE PURPOSES OF 1) FINANCING THE CONSTRUCTION AND OPERATION OF A REGIONAL SPORTS AND ENTERTAINMENT CENTER AND RENOVATIONS TO THE KANSAS COLISEUM, INCLUDING PROVISION FOR THE PAYMENT OF ANY GENERAL OBLIGATION OR REVENUE BONDS BACKED BY A PLEDGE OF CITYWIDE RETAILERS' SALES TAX REVENUES AND ISSUED FOR SUCH PURPOSES AND THE FUNDING OF RESERVES FOR MAINTENANCE AND OPERATING COSTS OF SUCH FACILITIES, 2) PAYING, ON A BASIS SUBORDINATE TO PAYMENT OF DEBT SERVICE ON ANY BONDS, THE COSTS OF A PROGRAM ESTABLISHED UNDER A SEPARATE ORDINANCE OF THE CITY FOR REBATE OF A PORTION OF THE CITYWIDE RETAILERS' SALES TAX PAID BY QUALIFIED SENIOR CITIZENS, 3) PAYING, ON A BASIS SUBORDINATE TO PAYMENT OF DEBT SERVICE ON ANY BONDS, THE COSTS OF A PROGRAM ESTABLISHED UNDER A SEPARATE ORDINANCE OF THE CITY FOR REBATE OF THE CITYWIDE RETAILERS' SALES TAX AND AN ALLOWANCE EQUAL TO THE COUNTYWIDE RETAILERS' SALES TAX COLLECTED ON THE SALES PRICE OF ANY NEW OR USED AUTOMOBILE SOLD WITHIN THE CITY OF WICHITA BY AN AUTOMOBILE DEALER, AND 4) PAYING, ON A BASIS SUBORDINATE TO PAYMENT OF DEBT SERVICE ON ANY BONDS, THE COSTS OF INFRASTRUCTURE IMPROVEMENTS RELATED TO THE REGIONAL SPORTS AND ENTERTAINMENT CENTER AND COSTS ASSOCIATED WITH YOUTH SPORTS PROGRAMMING AND FACILITIES IN THE CITY; STATING THE PURPOSE FOR WHICH THE REVENUES GENERATED BY SUCH CITYWIDE RETAILERS' SALES TAX ARE TO BE USED, AND STATING THE TIME OF THE SPECIAL ELECTION THEREFOR, ; AUTHORIZING AND PROVIDING FOR THE CALLING OF SUCH SPECIAL ELECTION TO BE HELD IN THE CITY OF WICHITA ON TUESDAY, MAY 21, 2002, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE PROPOSITION OF ENACTING SUCH CITYWIDE RETAILERS' SALES TAX; AND AUTHORIZING AND PROVIDING FOR THE CONDUCTING OF SAID SPECIAL ELECTION; AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH SPECIAL ELECTION, introduced and under the rules laid over.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 225

## EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess and move to executive session at 12:10 a.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation and legal advice; and the Council return to regular session no earlier than 12:55 a.m. Motion carried 7 to 0.

-- carried

## RECESS

The City Council recessed at 11:55 am. and returned at 12:59 a.m.

(The Council returned to take up the remainder of New Business Items. Action is shown in Agenda order.)

## CITY COUNCIL AGENDA

## APPOINTMENTS

### DOWNTOWN MUNICIPAL IMPROVEMENT DISTRICT BOARD APPOINTMENTS;

Agenda Report No. 02-1137

On March 20, 2001, the City Council adopted Ordinance No. 44-895, establishing a Self-Supported Municipal Improvement District (SSMID) for downtown Wichita. This ordinance requires the City Council to appoint members to a SSMID Advisory Board whose responsibility is to recommend annual budgets and policies to the City Council to fund and guide activities to be financed by the SSMID assessments. Due to the recent Advisory Board resignations of Peter Pitz, Anita Oberwortman and Ron Holt there are three vacant positions to be filled.

On March 4, the SSMID Board met and unanimously nominated the following individuals to fill the vacancies: (1) Jeff Van Sickle, Chief Executive Officer, McCluggage Van Sickle and Perry (vacancy for South of Douglas, East of the Railroad Tracks); (2) Mike Relihan, Chief Executive Officer, Chapman Securities (At Large vacancy); and (3) Janet Craghead, Craghead & Harrold Inc. Advertising and Marketing Services (vacancy for North of Douglas, West of the Railroad Tracks).

The ordinance establishing the SSMID states that the Advisory Board shall consist of seven to nine members who are representative of businesses from varying geographic areas in the District. As provided for in the ordinance, the Wichita Downtown Development Corporation (WDDC) has submitted a list of three nominees for appointments to the SSMID Advisory Board.

There are no financial considerations.

The proposed action is in conformance with the SSMID Ordinance No. 44-895 adopted March 20, 2001.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey appointed Jeff Van Sickle, Chief Executive Officer, McCluggage Van Sickle and Perry (vacancy for South of Douglas, East of the Railroad Tracks); Mike Relihan, Chief Executive Officer, Chapman Securities (At Large vacancy); and Janet Craghead, Craghead & Harrold Inc. Advertising and Marketing Services (vacancy for North of Douglas, West of the Railroad Tracks), and recommended the appointments be approved. Motion – carried 7 to 0.

-- carried

### BOARD/COMMISSION APPOINTMENTS.

There were no appointments considered.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 226

## CONSENT AGENDA

### BOARD OF BIDS

#### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 18, 2002.

Bids were opened March 8 and March 15, 2002, pursuant to advertisements Published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2002 Contract Maintenance Mill & Overlay Phase 2 - north of Kellogg, east of Tyler. 472-83477/132712/620333/662456) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV, V & VI)

Ritchie Paving - \$589,000.00 (Engineer's estimate)

Central, from Hillside to 150 feet East of Vassar, and Hillside from the south line of Third Street to Central - Central and Hillside. (472-83039 /448-89341/706822/636080/201288/779160) One lane of traffic in each direction. (District I & II)

Cornejo & Sons Construction - \$1,822,809.00 (Total base bid with add alternate)

Main B, Sanitary Sewer #1 Relief Line in Pine Street between Market and Broadway - north of Central, east of Broadway. (468-83347/620329/661453) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

WB Carter Construction - \$46,000.00

Lateral 319, Four Mile Creek Sewer to serve Brentwood South Addition - east of Webb, north of Pawnee. (468-83353/743909/480597) Does not affect existing traffic. (District II)

K C Excavating - \$120,445.00

Water distribution system to serve Brentwood South Addition - east of Webb, north of Pawnee. (448-89635/735042/470712) Does not affect existing traffic. (District II)

Mies Construction - \$65,615.00

Water distribution system to serve Westridge Estates, Aberdeen Commercial, Duling & Aberdeen First Additions - north of 21st Street North, along 119th Street West. (448-89470/448-88944/448-88825/448-88826/734963/734968/734969 /734970/470633/470638/470639/470640) Does not affect existing traffic. (District V)

Duling Construction - \$103,120.00

2002 Contract maintenance street repairs and slurry seal - Phase 1 - north of 55th Street South, east of 135th Street West. (472-83496/131532) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV, V, & VI)

Ferguson Paving, Inc. - \$700,900.00 (Engineer's estimate)

Storm Water Drain 182 to serve The Legacy Addition - north of 47th Street South, west of Meridian. (468-83351/751306/485197) Does not affect existing traffic. (District IV)

Bob Berkamp - \$165,687.00

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 227

2002 Contract maintenance arterial area concrete reconstruction Phase 3 - north of 55th Street south, east of Hoover. (472-83491/132712/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, IV & VI)

McFadden Construction - \$164,200.00

2002 Contract maintenance street repairs and slurry seal Phase 2 - north of 55th Street South, east of Seneca) (472-83497/132712/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II& III)

Ferguson Paving - \$522,000.00 (Engineer's estimate)

St. Paul/43rd Street South from the south line of Lot 52, Block 2, to the west line of Lot 18, Block 8, The Legacy Addition; St. Paul Circle from the north line of St. Paul to and including the cul-de-sac serving Lots 54 through 60, Block 2, The Legacy Addition; 43rd Street Court South from the north line of 43rd Street South to and including the cul-de-sac serving Lots 61 through 66, Block 2, The Legacy Addition; Sidewalk on the south and east side of St. Paul/43rd Street South from the south line of Lot 52, Block 2, to the west line of Lot 18, Block 8 to serve The Legacy Addition - west of Meridian, at 44th Street South. (472-83440/765707/490818) Does not affect existing traffic. (District IV)

Ritchie Paving - \$127,187.50

Lateral 1, Main 10, Four Mile Creek Sewer to serve Dillon 12th and Chapel Hill Additions - north of 13th Street North, east of Greenwich. (468-83084/743906/480594) Does not affect existing traffic; AND Lateral 2, Main 10, Four Mile Creek Sewer to serve Chapel Hill Addition - north of 13th Street North, east of Greenwich. (468-83085/743907/480595) Does not affect existing traffic. (District II)

Dondlinger & Sons - \$149,716.00 (Total aggregate bid)

Lateral 1, Main 11, Four Mile Creek Sewer to serve The Fairmount Addition - north of 21st Street North, west of 127th Street North. (468-83400/743912 /480600) Does not affect existing traffic. (District II)

Dondlinger & Sons - \$185,490.00

Water distribution system to serve Chapel Hill Addition - north of 13th Street North, east of Greenwich. (448-89370/734932/470602) Does not affect existing traffic. (District II)

Nowak Construction - \$70,582.00

Water distribution system to serve Wilson Farms Third Addition - south of 21st Street North, west of Webb. (448-89657/735044/470714) Does not affect existing traffic. (District II)

Jayhawk Contractors - \$36,413.00

Storm Water Sewer 545 to serve Auburn Hills 12th Addition - south of Maple, west of 135th Street West. (468-83181/751314/485205) Does not affect existing traffic. (District V)

Mies Construction - \$51,364.00

2002 Contract maintenance diamond grinding of arterial streets - north of MacArthur, east of Tyler. (472-83475/132712/) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV, V & VI)

Penhall Company - \$174,080.00 (Engineer's estimate)

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 228

Roadway, parking lots and recreational improvements to Grove Park - north of 21st, west of Hillside. (472-83156/602386/785008/390140) Does not affect public streets. (District I)

Cornejo & Sons Construction - \$557,896.20 (Group 1-base bid; Group 2- add alternate 1;  
Group 3/add  
alternate 2/Total aggregate bid)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

## PARK & RECREATION DEPARTMENT/LANDSCAPE & FORESTRY DIVISION: Trees. (791681)

Brady Nursery Inc. - \$1,760.00 (Group 1/total net bid)  
\$ 700.00 (Group 2/total net bid)  
\$1,900.00 (Group 3/total net bid)  
\$1,500.00 (Group 4/total net bid)  
John Deer Landscape - \$2,412.50 (Group 5/total net bid)  
Brady Nursery Inc. - \$1,000.00 (Group 6/total net bid)  
John Deer Landscape - \$3,587.50 (Group 7/total net bid)  
\$2,110.00 (Group 8/total net bid)  
\$3,600.00 (Group 9/total net bid)  
Brady Nursery Inc. - \$4,400.00 (Group 10/total net bid)  
John Deer Landscape - \$2,690.00 (Group 11/total net bid)  
\$2,240.00 (Group 12/total net bid)  
\$2,438.80 (Group 13/total net bid)  
\$2,077.50 (Group 14/total net bid)  
Brady Nursery Inc. - \$1,000.00 (Group 15/total net bid)  
John Deer Landscape - \$1,075.00 (Group 16/total net bid)

## WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Ductile Iron Pipe 48". (181222)

US Pipe & Foundry - \$22,567.44 (Total net bid)

## POLICE DEPARTMENT/SUPPORT SERVICES DIVISION: Lightweight Protective Body Armor Vests. (083600)

Baysinger Police Supply - \$385.00 (Item 1/per each)  
\$556.00 (Item 2/per each)  
\$ 60.00 (Item 3/per each)

## PARK & RECREATION DEPARTMENT/MAINTENANCE DIVISION: Fertilizers & Herbicides. (173781)

United Horticulture - \$1,196.80 (Group 1/total net bid)  
\$ 810.00 (Group 2/total net bid)  
Outdoor Equipment - \$1,048.80 (Group 3/total net bid)  
Lesco Inc. - \$2,238.00 (Group 4/total net bid)  
Vegetation Management Supply Co. - \$1,972.80 (Group 5/total net bid)  
Van Diest Supply Co. - \$1,311.90 (Group 6/total net bid)  
Outdoor Equipment - \$7,360.00 (Group 7/total net bid)  
Estes Inc. - \$4,740.00 (Group 8/total net bid)

## PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Shelving. (793329)

SpaceSaver Storage Systems Inc. - \$6,484.00 (Total net bid)

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 229

FINANCE DEPARTMENT/DATA CENTER DIVISION: Annual Software Maintenance. (035105)

ESRI - \$14,301.48 (Reference authority: Purchasing Ordinance No. 38-122, Section 2.64.020(i) provides for the purchase of services for equipment maintenance.)

POLICE DEPARTMENT/VARIOUS DIVISIONS: Purchases Utilizing Government Entities Contracts, Cooperative Contracts and Agreements, Ordinance No. 38-122 Section 2.64.020 (j). Ten (10) Motorola MTS2000 III 800 MHz Radios and Equipment COPS Technology Grant #602126 (\$32,078.90). Approved by City Council on March 5, 2002; and 24 MTS2000 III 800 MHz Radios and Equipment 2001 LLEBG Funds #602123 (\$87,148.36). Approved by City Council on September 11, 2001. (602126 and 602123)

Motorola, Inc. - \$119,227.26 (Reference authority: State of Kansas Contract #28440,800 MHz Motorola Radio Equipment)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Repairs at 1847 Wellington Place. (792310)

D.J. Kelly Custom Homes\* - \$14,950.00 (Total lump sum)  
\*Re-directed award – low bidder unable to perform Contract

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

### APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

#### New Escort Service

Tekoa Callaway                      Private Exscapes                      333 South English

Motion --                      Knight moved that the license be approved subject to Staff review and approval. Motion carried  
-- carried                      7 to 0.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
----------------	-------------	----------------------------------

Marcia E. Tena	Angela's Café*	901 East Central
Kimberly A. Gibson	WBG. LLC	4201 East 21st Street
	Dbra Brabburn Golf Course (WSU)*	
Mui Fong Yu Tam	Tom's Lotus Garden*	822 South Broadway
Xin B. Liu	Fortune Cookie Restaurant Inc.*	620 South Holland
Nhung Nghyen	My Canh Restaurant*	3205 East 31st Street

<u>Renewal</u>	<u>2002</u>	<u>(Consumption off Premises)</u>
----------------	-------------	-----------------------------------

Thi Nguyen	Thai Binh Supermarket	1530 West 21st Street
Bao Tran	Bih Fast Trips #6	2199 North Woodlawn

<u>New Establishment</u>	<u>2002</u>	<u>(Consumption off Premises)</u>
--------------------------	-------------	-----------------------------------

Mike Bidwell	Dillons #56	3707 North Woodland
--------------	-------------	---------------------

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --                      Knight moved that the licenses be approved subject to Staff review and approval. Motion carried  
-- carried                      7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 230

## **PLANS AND SPECS.    SUBDIVISION PLANS AND SPECIFICATIONS.**

There were no Sub-Division Plans and Specifications submitted.

## **PRELIMINARY EST.    PRELIMINARY ESTIMATES:**

- a) Water supply line in MacArthur from Minnesota to Englewood - in MacArthur at the Arkansas River. (448-89576/633738/751832) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$310,085.50
- b) Water supply line in Tyler Road from north of 29th Street North to south of 37th Street North - in Tyler Road from 29th Street North to 37th Street North. (448-89596/735033/470703) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$174,500.00
- c) Water distribution system to serve Reece Farms Estates - south of Maple, west of 151st Street West. (448-89239/735041/470711) Does not affect existing traffic. (District V) - \$101,000.00
- d) Lateral 18 Cowskin Interceptor Sewer to serve Reece Farms Estates - south of Maple, west of 151st Street West. (468-82831/743908/480596) Does not affect existing traffic. (District V) - \$160,000.00
- e) Main 12, Sanitary Sewer 23 to serve Eagles Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (468-83241/743903 /480591) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$2,100,000.00
- f) 2002 Contract maintenance mill & overlay Phase 1 - north of Pawnee, east of Seneca. (472-83476/132712/620333)/662456) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II & III) - \$689,400.00
- g) 2002 Contract maintenance street rehabilitation and asphalt overlay - north of Harry, east of Meridian. (472-83486/132712/) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$108,000.00
- h) 2002 Contract maintenance area concrete reconstruction Phase 1 - Pawnee, Sheridan to Leonine. (472-83487/132712/) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$150,000.00
- i) Paving Wawona in connection with Main 10 Four Mile Creek Sewer - south of 21st Street North, east of K-96. (472-83390/624503/699003) Does not affect existing traffic. (District II) - \$105,770.00
- j) Lavon area sanitary sewer improvements, Phase 2 - east of Hillside, north of 13th Street North. (468-83307/624071/651524) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$229,810.00
- k) Lateral 5, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 12th Addition - north of Kellogg, west of 135th Street West. (468-83179/743905/480593) Does not affect existing traffic. (District V) - \$130,000.00
- l) 2002 Contract maintenance arterial area concrete reconstruction Phase 2 - north of Pawnee, east of Tyler. (472-83489/132712) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III&V) - \$250,000.00
- m) Highland Springs from the northwesterly line of Lot 20, Block C, west to the west line of the plat; Remington Lane from the southwesterly line of Remington Lane Court, west of the northwesterly line of Lot 13, Block D; Bluegrass from the south line of Remington Lane south to the southwesterly

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 231

line of Bluegrass Court; Highland Springs Courts, from the north line of Highland Springs, north to and including the cul-de-sac, and from the north line of Highland Springs, north to and including the cul-de-sac; Remington Lane Court from the north line of Remington Lane, north to and including the cul-de-sac; Bluegrass Court, from the south line of Bluegrass, south to and including the cul-de-sac, and; Sidewalk along both sides of Highland Springs from northwesterly line of Lot 20, Block C, to the west line of the plat, on one side of Remington Lane from the southwesterly line of Remington Lane Court to the northwesterly line of Lot 13, Block D, and on one side of Bluegrass from the south line of Remington Lane to the southwesterly line of Bluegrass Court to serve Highland Springs Second Addition - west of 135th Street West, south of Central. (472-83143/765709/490820) Does not affect existing traffic. (District V) - \$351,000.00

n) Storm Water Sewer 564 to serve The Gateway Center Addition - south of 13th Street North, east of Greenwich) (468-83374/751308/485199) Does not affect existing traffic. (District II) - \$250,000.00

o) Water Distribution System to serve Auburn Hills 12th Addition - south of Maple, west of 135th Street West. (448-89516/735040/470710) Does not affect existing traffic. (District V) - \$89,000.00

p) (Amended) Cost of decel lane and left turn lane in Woodlawn from 37th Street North to Brookview, and decel lane and left turn lane in 37th Street North from the northwest corner of Lot 4, Block 1, Whispering Brook Commercial Second Addition to Woodlawn. Total estimated cost - \$399,700.00

q) (Amended) Cost of Lateral 473, Southwest Interceptor Sewer to serve Westlink Christian Church Addition. - Total estimated cost - \$24,610.00

r) (Amended) Cost of Storm Water Drain 159. - Total estimated cost - \$91,000.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

## **DEEDS/EASEMENTS DEEDS AND EASEMENTS:**

a) Sanitary Sewer Easement dated January 31, 2002, from Robert J. Fowler and Mary L. Fowler, Trustees of the Mary L. Fowler Living Trust for a tract of land in the Southeast Quarter of Section 27, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (Lat 317, FMC, OCA #743890). No cost to City.

b) Drainage and Utility Easement dated March 8, 2002 from the Catholic Diocese of Wichita, a Kansas Corporation for a tract of land in Lot 1, Notre Dame High School Addition to Wichita, Sedgwick County, Kansas (Central, OCA #706805). No cost to City.

c) Sewer Easement from the City of Wichita, Kansas, a Municipal Corporation, for a tract of land in Lot 1, Block 1, YMCA South Addition, an addition to Wichita, Sedgwick County, Kansas (Fire Stations, OCA #792309). No cost to City.

d) Waterline Easement from the City of Wichita, Kansas, a Municipal Corporation, for a tract of land in Lot 1, Block 1, YMCA South Addition, an addition to Wichita, Sedgwick County, Kansas (Fire Stations, OCA #792309). No cost to City.

e) Sewer Easement from the City of Wichita, Kansas, a Municipal Corporation, for a tract of land in the Northeast Quarter of Section 25, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Fire Stations, OCA #792309). No cost to City.

Motion --  
-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized  
Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 232

## BOARDS MINUTES

### BOARDS AND COMMISSIONS MINUTES:

DAB I: September 17, October 1, November 5, December 3, 2001; January 7, February 4, 2002.

DAB II: November 5, December 3, 2001; January 9, 2002.

DAB III: April 17, June 3, July 3, September 4, October 2, November 7, 2001.

Housing Advisory Board, January 15, 2002.

Alternative Correctional Housing Advisory Board, January 24, 2002.

MAPC: January 24, February 7, 2002.

Code Standards and Appeals, February 4, 2002.

Appeals of Plumbers and Gas Fitters, February 6, 2002.

Library Board, February 19, 2002.

2001 Annual Report Code Standards and Appeals.

Motion – carried

Knight moved that the minutes be received and filed. Motion carried 7 to 0.

## PAVING

### PETITION TO PAVE FOREST PARK, LAKE RIDGE, AND FOREST PARK COURT IN FOREST LAKES WEST ADDITION – NORTH OF 29TH, EAST OF TYLER. (District V)

Agenda Report No. 02-1138

On September 23, 1997, the City Council approved a paving project in Forest Lakes West Addition. Bids were taken for this project and the cost of paving exceeded the budget set by the Petition. The developer has submitted a new Petition with an increased budget. The signature on the Petition represents 100% of the improvement district.

The project will serve a new residential development located north of 29th, east of Tyler.

The original Petition totaled \$80,000. The new Petition totals \$140,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

### RESOLUTION NO. 02-151

A Resolution amending Resolution No. R-97-353 pertaining to the improving of Forest Park/Lake Ridge from the east line of Forest Ridge to the south line of Lot 15, Block 3; Forest Park Court serving Lots 12 through 15, Block 3, and; sidewalk on the south and west side of Forest Park/Lake Ridge from the east line of Forest Ridge to the south line of Lot 7, Block 4 (north of 29<sup>th</sup> Street, east of Tyler) 472-82874, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## STORM WATER

### PETITION FOR STORM WATER DRAIN TO SERVE THE LEGACY ADDITION – WEST OF MERIDIAN, AT 44TH STREET SOUTH. (District IV)

Agenda Report No. 02-1139

On November 20, 2001, the City Council approved a drainage project in The Legacy Addition. An attempt to award a contract within the budget set by the Petition was unsuccessful. The developer has submitted a new Petition with an increased budget. The signature on the Petition represents 100% of the improvement district.

The project will serve a new residential development located west of Meridian, at 44th Street South.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 233

The original Petition totaled \$150,000. The new Petition totals \$249,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 02-152

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 182 (west of Meridian, at 44<sup>th</sup> Street South) 468-83351, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## STREET CLOSURE

### STREET CLOSURE: ROCK ISLAND, NORTH OF SECOND STREET. (District VI)

Agenda Report No. 02-1140

Key Construction, Inc. has contracted with the City and private landscape developers to accomplish the demolition and construction work related to the Old Town Cinema project. The project area is the area between Second and Third Streets and between the railroad right-of-way and the west side of Rock Island Street. Because both demolition and construction activities will be required at the west edge of Rock Island Street along with some utility connections in the street area, the Contractor is requesting the closure of a portion of Rock Island during the project. If approved, Rock Island Street would be closed and fenced with the project from Second Street to a point approximately 350 feet north. The closure would begin approximately April 1, 2002 and extend until approximately December 1, 2002.

The businesses adjacent to this closure area have been contacted concerning this proposed closure. The contractor is responsible for the maintenance of construction fencing and any necessary traffic control signs and barricades.

Motion -- carried

Knight moved that the street closure be approved. Motion carried 7 to 0.

## CLAIMS ALLOWED

### REPORT ON CLAIMS ALLOWED FEBRUARY, 2002:

<u>Name of Claimant</u>	<u>Amount</u>
Holle, Floyd	\$306.20
Davidson, John	\$111.02
Auto Craft, Inc.	\$225.00 **
Kansas Gas Service	\$907.77 **
Kansas Gas Service	\$677.90 **
Kansas Gas Service	\$945.28 **
Conrad, Linda	\$641.24
Boyd, Kathy	\$567.08 **
Lanza, Raul	<u>\$126.33</u>
TOTAL	\$4,507.82

\*\* Settled for lesser amount than claimed.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 234

## DEFERRAL LIENS

### HARDSHIP DEFERRAL LIENS.

Agenda Report No. 02-1141

During the past year, various property owners applied for Special Assessment Hardship Deferrals to defer payments of special assessments. Each property owner signed a Lien Agreement with the City of Wichita that was filed with Sedgwick County Register of Deeds.

There are two property owners that have Hardship Deferrals under Ordinance #39-845 dated March 24, 1987. That ordinance states that if property ownership remains with the same owner, the assessment will be abated after 15 years. The 15-year period expired with the 2001-tax year.

There is no cost to the City of Wichita.

Motion --  
-- carried

Knight moved that the Release of Hardship Deferral Lien Agreements be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## WILSON FARMS

### AGREEMENTS (3) TO RESPREAD ASSESSMENTS: WILSON FARMS SECOND AND LEGACY PARK WILSON ESTATES ADDITIONS – SOUTH OF 21ST STREET NORTH, EAST AND WEST OF ROCK ROAD. (District II)

Agenda Report No. 02-1142

The landowners, Wilson Residential Company, L.L.C.; Ritchie Building Company, Inc.; and Barbara Waddell, have submitted three Agreements to respread special assessments within their ownership of Wilson Farms Second Addition and Legacy Park Wilson Estates Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreements is to respread special assessments to more fairly distribute the cost of the improvements.

There is no cost to the City.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## PARKING METERS

### PARKING METER COINAGE COLLECTION.

Agenda Report No. 02-1143

The Finance Department requires parking meter coinage collection services. To obtain the most qualified coinage collection services at a cost that would be most beneficial to the City, a Request for Proposal was sent to twelve (12) vendors.

The current City coinage collection contractor submitted the only response to the Request for Proposal. The response was reviewed by staff and it was determined that Wolf Investigations should be awarded the contract for another term.

The contract will require that the City pay the contractor \$.35 per each canister meter collected. The number of canister collections shall be approximately 41,288 per year at an annual cost of \$14,451.

The Law Department will review and approve the contract to form. The contract will be for one year.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 235

**EQUESTRIAN EST.     SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING AND STAKING FOR EQUESTRIAN ESTATES – EAST OF 127TH STREET EAST, SOUTH OF HARRY.**  
(District II)

Agenda Report No. 02-1144

The City Council approved the project on November 20, 2001. On December 11, 2001, the City approved an Agreement with Poe & Associates, Inc. to design the improvements. The Design Agreement with Poe requires Poe to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Poe provides for construction engineering and staking for the improvements in Equestrian Estates. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$128,300 and will be paid by special assessments.

Motion --                     Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried                     Motion carried 7 to 0.

**TRANSIT SERVICE     OAKLAWN TRANSIT SERVICE AGREEMENT.**

Agenda Report No. 02-1145

For the past several years, Wichita Transit has provided fixed route and paratransit van service to the Oaklawn Improvement District. Currently, Sedgwick County reimburses Wichita Transit for the actual cost of providing such service according to a year-by-year contractual agreement. The purpose of this action is to establish the contractual agreement for fiscal year 2002.

Wichita Transit operates one fixed route, which provides service to the Oaklawn area. Paratransit service is also provided to Oaklawn based on ADA guidelines (which require service in areas in which fixed route service is provided). In FY 2002, an estimated 640 hours of fixed route service will be provided. The estimated hourly cost for this service is \$53.40. Paratransit service cost is estimated at \$14.85 per trip, with an estimated 20 trips per month to be provided in fiscal year 2002.

Based on the projected service levels, the total projected revenue from the FY 2002 agreement will be \$28,700 after deducting passenger revenues. The Adopted FY 2002 Budget includes the expenditure authority necessary to provide the service.

City Council approval is required for contracts in excess of \$10,000.

Motion --                     Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried                     Motion carried 7 to 0.

**HOME DATABASE     HOMELESS DATABASE SYSTEM.**

Agenda Report No. 02-1146

On February 5, 2002 the City Council approved funding to provide a portion of the matching funds for a HUD grant that will fund a Homeless Database System to be managed by the United Way of the Plains.

In 1999, a limited database was implemented which collected basic demographic information from several shelters. The database includes only information on those who actually stay at a shelter for at least one night.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 236

United Way of the Plains will implement and operate the Homeless Management Information System (HMIS) for the Wichita-Sedgwick County community. In addition to the purchase of HMIS software, the project will fund hardware and support services to purchase and install the file server, PCs for the service providers, networking and the salary for the HMIS administrator for three years.

The HMIS will immediately improve the intake and assessment process by allowing clients to share their information among providers. Once this is well in place, the HMIS will be expanded to address coordinated case management and streamline referrals.

The HUD grant of \$311,719 requires a cash match in the amount of \$74,220. The City of Wichita will provide \$24,220 from CDBG funds. Sedgwick County has provided \$50,000.

Motion --  
-- carried

Knight moved that the Contract be approved and the City Manager be authorized to execute the Contract. Motion carried 7 to 0.

## **GILBERT & MOSLEY SUPPLEMENTAL AGREEMENT - LEGAL SERVICES FOR GILBERT AND MOSLEY.**

Agenda Report No. 02-1147

The City entered into a professional services agreement and subsequent supplemental agreements with Stinson, Mag & Fizzell to provide legal advice on environmental matters relating to the investigation and cleanup of groundwater contamination in the Gilbert & Mosley Site. That firm, and particularly David R. Tripp, assisted staff and Council on a number of elements on the project and continues to provide advice and legal representation as needed as the project is being implemented. Extensive effort has also been placed in the identification of responsible parties for cost recovery purposes. Litigation against a large number of responsible parties has resulted in significant legal services for depositions, document production, motions, and other litigation services.

This supplemental agreement provides additional authority to continue to use the services of Stinson, Mag & Fizzell on an as-needed basis for particular legal and environmental issues. This agreement also continues to provide for the litigation team headed by Robert L. Driscoll which is handling the litigation to recover costs from responsible parties. This agreement also provides for payment of the expert witnesses in the litigation, which are retained by the law firm.

This supplemental agreement provides authority for an additional \$750,000 in legal services and related expenses. These services will be paid out of the Gilbert & Mosley TIF.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **CENTURY II**

### **CENTURY II EXPANSION/MODERNIZATION STUDY.** (District VI)

Agenda Report No. 02-1148

Century II is 32-years old and the Bob Brown Expo Hall addition is 15-years old. The facility has served the community well, but modernization is needed both functionally and aesthetically. To stay competitive, Century II must begin to plan for expansion. (Century II recently lost out on a bid for the ABC Bowling Tournament, due partially to Expo Hall no longer being large enough to host the event.) It is also anticipated that the upcoming emphasis on marketing Wichita, along with the development of the downtown area and the river corridor, will create an increased demand for Century II from conventions and conferences.

Request for Proposals (RFP) for the Century II Expansion & Modernization Study was advertised November 13, 2001. Nine firms responded. The Staff Screening and Selection Committee interviewed C.H. Johnson Consulting, Inc., HVS Convention, Sports & Entertainment Facilities Consulting, and Schaefer Johnson Cox Frey Architecture. The Committee selected the firm of HVS Convention, Sports & Entertainment Facilities Consulting for the project. Services will be provided for a single stipulated

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 237

lump sum fee of sixty five thousand dollars (\$65,000), plus reimbursable expenses not to exceed four thousand dollars (\$4,000).

The proposed Expansion/Modernization Study was included in the 2001 – 2010 Capital Improvement Program. Funding for this project is previously approved funds that have been set aside for Century II renovation work. ( Project No. 435158, OCA No. 791293)

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **GILBERT & MOSLEY KDHE SETTLEMENT AGREEMENT – GILBERT AND MOSLEY.**

Agenda Report No. 02-1149

The City approved a Settlement Agreement with the Kansas Department of Health and Environment (KDHE) on March 26, 1991, under which the City undertook responsibility for the investigation and clean-up of the Gilbert & Mosley Site. The City approved an amendment to the Settlement Agreement on June 18, 1996, to amend the Site boundaries to reflect the areas of groundwater contamination that were found to exist outside the original boundaries. The investigation identified six plumes of groundwater contamination (Plumes A through F). The investigation of the Site and design of the remediation system for Plumes ABE have now been completed.

In 1995, the Kansas Dry Cleaner Environmental Response Act was enacted. This legislation created a Dry Cleaner Trust Fund (Fund) administered by KDHE to deal with contamination from dry cleaner facilities. KDHE has offered to approve eligible facilities in the Site for participation in the Fund.

By this proposed Second Amendment to the Settlement Agreement, KDHE will take over responsibility for future downgradient remediation and source control for Plumes D and F. The investigation has shown that these two plumes of groundwater contamination come from four identified former dry cleaner facilities in the Site. The City retains the right to still seek to recover the past costs it has expended in both plumes. KDHE's responsibility is subject to continued appropriations for the Fund. The Second Amendment does not affect the site boundaries

This Amendment should result in a reduction of the total costs for the Gilbert & Mosley project.

Motion --

-- carried

Knight moved that the Amendment be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **DESIGN SERVICES DESIGN SERVICES AGREEMENT FOR AUBURN HILLS 12<sup>TH</sup> ADDITION – WEST OF 135TH STREET WEST, SOUTH OF MAPLE. (District V)**

Agenda Report No. 02-1150

The City Council approved the project on November 14, 2000.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Auburn Hills 12th Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$30,600, and will be paid by special assessments.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 238

**DESIGN SERVICES      DESIGN SERVICES AGREEMENT FOR THE FAIRMONT ADDITION – NORTH OF 21ST, WEST OF 127TH STREET EAST. (District II)**

Agenda Report No. 02-1151

The City Council approved the project on February 5, 2002.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in The Fairmont Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$43,400, and will be paid by special assessments.

Motion --                      Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried                      Motion carried 7 to 0.

**DESIGN SERVICES      DESIGN SERVICES AGREEMENT FOR WILSON FARMS THIRD ADDITION – SOUTH OF 21ST, WEST OF WEBB. (District II)**

Agenda Report No. 02-1152

The City Council approved the project on February 5, 2002.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Wilson Farms Third Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$22,160, and will be paid by special assessments.

Motion --                      Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried                      Motion carried 7 to 0.

**DESIGN SERVICES      DESIGN SERVICES AGREEMENT FOR DILLON 12TH AND CHAPEL HILL ADDITIONS – NORTH OF 13TH STREET, EAST OF GREENWICH. (District II)**

Agenda Report No. 02-1153

The City Council approved the project on March 28, 2000.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Dillon 12th and Chapel Hill Additions. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$25,750, and will be paid by special assessments.

Motion --                      Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried                      Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 239

**DESIGN SERVICES**      **DESIGN SERVICES AGREEMENT SHELLEY'S ORCHARD ADDITION – EAST OF MAIZE, NORTH OF PAWNEE.** (District V)

Agenda Report No. 02-1154

The City Council approved the project on March 5, 2002.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements in Shelly's Orchard Addition. Per Administrative Regulation 7a, staff recommends the selection of R&B as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$24,753, and will be paid by special assessments.

Motion --      Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried      Motion carried 7 to 0.

**DESIGN SERVICES**      **SUPPLEMENTAL AGREEMENT FOR THE INTERSECTION OF PAWNEE AND WASHINGTON.** (District III)

Agenda Report No. 02-1155

On January 5, 1999, the City entered into an Agreement with Municipal Engineers for designing the intersection of Pawnee and Washington. The fee was \$33,700.

The scope of services has changed and Municipal has been asked to prepare individual sketches for all abutting properties where additional right-of-way acquisition or temporary construction easement is needed. The traffic system has been changed from detector loop system to video system. A Supplemental Agreement has been prepared.

Payment will be on a lump sum basis of \$4,000 and will be paid by General Obligation Bonds.

Motion --      Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried      Motion carried 7 to 0.

**ENERGY**      **PERFORMANCE CONTRACT.** (District VI)

Agenda Report No. 02-1156

The City of Wichita entered into a Contract with TAC Americas Inc. on May 12, 2000, to begin an Energy Management Project for numerous City Facilities. The end product of this Project will guarantee the City over one-third of a Million Dollars on energy savings each year for the next ten (10) years.

As this Project progressed, it has become necessary to seek expansion to certain aspects of the Contract to optimize additional energy savings for the City. The scope of the necessary changes will involve additional hardware, labor and data base programming to the following City Facilities: the Boathouse, Century II Convention Center, and Boston Recreation Center. The addition of these changes will allow for greater control of mechanical systems and actually shorten the projected energy payback period to the City. The addition of humidity sensors to the Boathouse will increase the longevity of the hardwood flooring and defer future replacement. Included in this Change Order are \$25,223 in credits for materials and labor that are not needed in the original scope of the Project. The total cost of the Change Order, less credits, is \$23,883.

Capital Investment Project Funds (CIP) of \$189,911.48 are currently available under OCA # 792338 for these kinds of unforeseen expenditures encountered during this Project.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 240

Motion -- Knight moved that the change order be approved and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

## IMP. ACCESS

### LEARJET WAY AND WOODCHUCK IMPROVEMENT.

Agenda Report No. 02-1157

On October 17, 2000, the City Council approved a project to reconstruct Learjet Way and Woodchuck to improve access to the Bombardier Plant. In order to comply with Federal Regulations controlling storm water runoff within the construction site, installation of erosion control blankets was required.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$14,200. The funding source is General Obligation Bonds.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion -- Knight moved that the change order be approved and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

## PUMP REPAIRS

### PUMP REPAIRS – PUMP STATION NO. 1. (District V)

Agenda Report No. 02-1158

There are four pumps at Pump Station #1. Pump Station #1 is located near the intersection of Maple with the Big Ditch. Two of the pumps are large and two are small. For the last several years, the large pumps have not operated properly. The larger pumps are required to pump against lower wet well water levels. This causes the pumps to cycle too often during operation which will lead to premature failure.

This project will solve the problem with the large pumps by installing larger pump motors on them, along with associated electrical rewiring. The estimated cost to complete the project is \$140,000.

Funding for the design and construction was included in the 2002 Capital Improvement Program (CIP) budget. The funds needed to complete this phase of the project will be bonded with debt service to be repaid through the Storm Water Utility.

Motion -- Knight moved that the expenditure be approved; the Resolution be adopted; and the project be  
-- carried authorized for design and construction. Motion carried 7 to 0.

### RESOLUTION NO. 02-153

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large for pump repairs at Pump Station #1, 5301 West Maple (SW862002), presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## WATER MAIN

### INSTALLATION OF WATER MAIN IN OLIVER FROM PAWNEE TO GEORGE WASHINGTON BOULEVARD. (District III)

Agenda Report No. 02-1159

The City of Wichita provides treated drinking water to 368,000 people. The service population is projected to increase to over 450,000 by 2010. To ensure that future water needs of the service area are

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 241

met, the Water and Sewer Department initiated a study of its water system. The Water System Master Plan was completed in November 1999, with a number of significant system improvements recommended to ensure adequate service levels now and in the future.

The installation of a 16-inch water line in Oliver from Pawnee to George Washington Boulevard will provide system reinforcement to the south-central portion of the City's water system and the Boeing area. The result will be stabilized system pressure and increased water volume to the area.

Funding is budgeted for \$340,000 in CIP W-833. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Motion -- carried

Knight moved that the project be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 02-154

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$340,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## WATER MAIN

### INSTALLATION OF WATER MAIN IN 45TH STREET NORTH FROM ROCK ROAD TO WEBB ROAD. (District II)

Agenda Report No. 02-1160

The City of Wichita provides treated drinking water to 368,000 people. The service population is projected to increase to over 450,000 by 2010. To ensure that future water needs of the service area are met, the Water and Sewer Department initiated a study of the water system. The Water System Master Plan was completed in November 1999, and a number of significant system improvements were recommended to ensure adequate service levels now and in the future.

The project will provide system looping and reinforcement to the far northeast portion of the City's water system by constructing a 16-inch water main along 45th St. N. from an existing 16-inch water main in 45th St. N., east of Rock Rd., to an existing 20-inch water line in Webb Rd. The result will allow for increased system pressure and water volume to the far northeast portion of the City's water system.

Funding is budgeted for \$520,000 in 45th N., Rock to Webb (CIP W-837). The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Motion -- carried

Knight moved that the project be approved; the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 02-155

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$520,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 242

## REG. LIBRARY

### REGIONAL LIBRARY CONSTRUCTION.

Agenda Report No.02-1161

The 2001-2010 Capital Improvement Program (CIP) provided funding to construct a new south regional library. The new facility is to be located at 3447 S. Meridian.

The new library was approved by the Council to continue the improvement of library services through a strategy of fewer but larger facilities. The new regional library will replace the South Seneca Branch Library, and will provide better access, a larger collection, and more services to area residents.

The capital budget includes \$2.051 million in 2001 and \$1.677 million in 2002 for the new library facility, for a total of \$3.728 million. Library project expenditures were anticipated in the formulation of the 2002-2011 CIP. The funding source is General Obligation bonds.

Motion --  
-- carried

Knight moved that the Resolution be adopted and initiation of the project be authorized. Motion carried 7 to 0.

### RESOLUTION NO. 02-156

A Resolution providing for the funding of the new regional Library, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## BUDGET

### TRANSFER OF FUNDS – ENVIRONMENTAL HEALTH INSPECTORS.

Agenda Report No. 02-1162

In May 2001, the City Council allocated CDBG funding for the Colvin/Planeview Health Station (\$58,000) and Environmental Health Inspectors (\$86,000). Both programs were operated by the Health Department. The Colvin/Planeview Health Station provides health services to low and moderate-income persons. The Environmental Health Inspectors provide environmental code enforcement in four of the Local Investment Areas (Planeview, Hilltop, Northeast and Orchard Breeze).

With the reorganization of the Health Department, personal health has become a function of Sedgwick County. The Environmental Health Inspectors continue to operate under the City of Wichita.

The Colvin/Planeview Health Station is funded 100% by Sedgwick County. CDBG funds in the amount of \$58,000 will be transferred from the Colvin/Planeview Health Station to Environmental Health. The additional funds will allow for a third Public Health Sanitarian I position to increase efforts in neighborhood code enforcement.

Budget transfers of \$10,000 or more require City Council approval.

Motion --  
-- carried

Knight moved that the budget transfer from the Colvin/Planeview Health Station to Environmental Health be approved. Motion carried 7 to 0.

## FIREFIGHTERS

### FIREFIGHTERS GRANT PROGRAM.

Agenda Report No. 02-1163

The Defense Authorization Act for FY 2002 authorized the Federal Emergency Management Agency (FEMA) to make \$360 million in grants to fire departments. The programs and associated activities, eligible for this year's grant program are as follows: Fire Operations and Firefighter Safety program, Fire Prevention Program, Emergency Medical Services Program, and Firefighting Vehicle Acquisition Program. Applicants may apply for a number of activities within one grant proposal.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 243

Fire Department staff has developed a proposed \$646,378 grant application for Fire Operations and Firefighter Safety Program. This program would be used to purchase Motorola XTS 3000 Model III portable radios. The Motorola Company has stopped guaranteeing parts for radios in 2000. These radio's have been in service for eleven years. Over this time, water has caused a great deal of damage to certain parts and repairs have become more frequent. Because repair parts are no longer available, it is estimated that these radios will no longer be repaired. Therefore, the Fire Department has an urgent need to replace existing portable radios.

A FEMA award of \$452,465 will be sought, with the required City match being \$192,913. The matching funds will be funded from either savings within the Fire Department, or General Fund reserves.

Motion --  
-- carried

Knight moved that the Grant application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### ACQUISITION BY EMINENT DOMAIN OF PERMANENT EASEMENTS FOR SANITARY SEWER ON SOUTH BROADWAY. (District IV)

Agenda Report No. 02-1164

On May 22, 2001, the City Council approved a resolution authorizing the construction of a sanitary sewer line along South Broadway north of MacArthur. This approval was generated by a petition signed by more than half the property owners requesting that the sewer be built and paid for with a benefit district. There are ten tracts and six owners in the district. Required easements have not been acquired from two owners.

City staff have been attempting to negotiate a purchase of the required easements but have been unable to reach an agreement with the owners. Staff will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.

The cost of these acquisitions will be paid for by assessments to the improvement district.

Motion --  
-- carried

Knight moved that the Resolution be adopted; filing of documents by City Attorney with District Court be authorized; and the Ordinance be placed on first reading. Motion carried 7 to 0.

## RESOLUTION NO. 02-157

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned sanitary sewer improvements on South Broadway Avenue north of MacArthur Road, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring easements for sanitary sewer construction on South Broadway Avenue north of MacArthur Road in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 244

**PROPERTY ACQ.      ACQUISITION BY EMINENT DOMAIN OF A TRACT REQUIRED FOR HOOVER DRAINAGE PROJECT. (District V)**

Agenda Report No. 02-1165

The planned drainage improvements on Hoover, north of K-42 will require the acquisition of the manufacturing facility at 2614 South Hoover. The site contains 4.17 acres and is improved with a 5,800 square foot manufacturing facility. The building is masonry construction with an unfinished basement. The property was built in 1971.0

City staff and consultants hired by the City have been attempting to negotiate a purchase of the identified properties but have been unable to reach an agreement with the owner. The owner was offered \$365,000 based on appraised value. The owner has countered at \$730,000 based on the cost to build a new facility. Staff will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.

The cost of these acquisitions will be paid for by the City at large.

Motion --  
-- carried

Knight moved that the Resolution be adopted; filing of documents by City Attorney with District Court be authorized; and the Ordinance be placed on first reading. Motion carried 7 to 0.

## RESOLUTION NO. 02-158

A Resolution declaring the necessity for acquiring private property for the use of the City of Wichita in connection with planned Hoover Drainage Improvement Project, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of drainage east of Hoover and north of Highway K-42, in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

**PROPERTY DISP.      SALE OF SURPLUS PROPERTY LOCATED AT 448 SOUTH BELMONT. (District II)**

Agenda Report No. 02-1166

An offer of \$45,000 has been received for the single-family residence at 448 South Belmont which the City owns. The property is developed with a 1,321 square foot frame structure. The house has two bedrooms and one bath. There is an unfinished basement and no garage. The property was acquired for the Kellogg/Oliver Interchange project. A significant portion of the side yard and the garage were removed for the highway project.

The property has been appraised at \$41,600. The buyer has offered \$45,000. The buyer intends to renovate the property and use it as a rental.

The City will receive cash consideration from the sale of the property at closing.

Motion --  
-- carried

Knight moved that the sale and Contracts be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 245

## PROPERTY DISP SALE OF 1402 EAST ARNOLD. (District I)

Agenda Report No. 02-1167

March 17, 1998, the City Council approved a pilot program for the sale of the City's single-family public housing stock, and authorized staff to submit the plan to the Department of Housing and Urban Development (HUD) for approval. The pilot program calls for 100 units of public housing to be made available to existing public housing tenants, and then subsequently to individuals on the Public Housing and Section 8 waiting lists. The plan requires potential buyers to qualify for permanent first-mortgage financing, and includes an element for assistance with the down payment and closing costs required to complete the purchase. This assistance is provided in the form of a zero-interest deferred loan, secured by a second mortgage held by the City. No monthly payments are required, and the loan is not due and payable until the property is sold or until such time as the owner ceases to use the property as his/her principal residence.

Participation in a Maintenance Reserve Program is also required under the plan.

The plan has been approved by Housing and Urban Development.

Units sold under the plan must be sold for current appraised value. In this particular case, the unit appraised for \$38,500. The buyer has qualified for a first mortgage loan, and will be responsible for the payment of pre-paid interest, the first year's hazard insurance premium, and the amounts required by the lender for initial deposits to the escrow account, as required by the plan. The buyer's investment is estimated to be approximately \$500.00. The buyer of this unit is currently a public housing tenant.

Following Council approval, HUD approval will be solicited and the actual closing on the home will occur on or before March 31, 2002.

The subject unit will be sold for \$38,500, with the City financing approximately \$19,750 for the required down payment, closing costs, and financing of the Maintenance Reserve Premium. Net proceeds from the sale, after deductions for normal seller-paid costs, homeownership training expenses, and the second mortgage are expected to be approximately \$18,000. The adopted 5h plan specifies that 35% of the proceeds from the sale will be set aside for loan loss reserves, which must be held for a minimum of five years. Sale proceeds in excess of the loan loss reserves will be placed in a dedicated housing account (Housing Partnership Fund), for the development of affordable housing. With this sale, the majority of the proceeds may be used for capitalization of the Maintenance Reserve Program.

The purchase contract will be approved as to form by the City Law Department.

Motion --  
-- carried

Knight moved that the sale and Contracts be approved; and the Hud releases and necessary signatures be authorized. Motion carried 7 to 0.

## CONDEMNATIONS REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report 02-1168

On March 4, 2002 the Board of Code Standards (BCSA) held a hearing on the following four (4) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>District</u>
1) 2253 North Park Place	District VI
2) 3318 North Market (garage)	District VI

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 246

- |    |                      |             |
|----|----------------------|-------------|
| 3) | 1819 West 53rd North | District VI |
| 4) | 807 North Edwards    | District VI |

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --

-- carried

Knight moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing body on May 7, 2002, 2002, at 9:30 a.m., or as soon thereafter, be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 02-143

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 5 and the north 5 feet of Lot 7, Block 3, Highland Addition, Sedgwick County, Kansas, known as 2253 North Park Place, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-144

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 17 and 18, Block 15, Jones Park Addition, Sedgwick County, Kansas, known as 3318 North Market (garage), in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-145

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: The east 77 feet of Lot 2, Gardiners Acres, Sedgwick County, Kansas, known as 1819 West 53rd North, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-146

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: the North 75 feet of the south 225 feet of Lot 1, Block 1, Riverside Health Systems Third Addition, Sedgwick County, Kansas, known as 807 North Edwards, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 247

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ MARCH 5, 2002)

- a) CIP – drainage, Hydraulic, 57th Street South to MacArthur. (District III)

#### ORDINANCE NO. 45- 216

An Ordinance amending Ordinance No. 45-021 of the City of Wichita, Kansas declaring Hydraulic, from 57th Street South to MacArthur (472-83324), to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) CIP - Central Avenue, Tyler and Woodchuck. (District V)

#### ORDINANCE NO. 45- 217

An Ordinance declaring Central Avenue, from Tyler to Woodchuck, 472-83192, to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) CIP - bridge design program.

#### ORDINANCE NO. 45- 218

An Ordinance amending Ordinance No. 44-958 of the City of Wichita, Kansas declaring Central Avenue Bridge at Tara Street, Rock Road Bridge at Gypsum Creek and Bridge Inspections (2001 Bridge Improvement Program) 472-83373, to be a main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- d) Acquisition by eminent domain of tracts for the East Kellogg/Rock Road improvement project.

#### ORDINANCE NO. 45- 219

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the Construction and widening of Kellogg Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easement therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- e) ZON2000-34 - east side of Tyler Road, North of 21st Street North. (District V)  
(This Item was removed from the Agenda)

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 248

- f) ZON2000-52 - southeast corner of Arkansas and 53rd Streets North. (District VI)

## ORDINANCE NO. 45- 220

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. (ZON 2000-52)

- g) ZON2001-64 -northwest corner of Harry and Broadway. (District I)

## ORDINANCE NO. 45- 221

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. (ZON 2001-64)

- h) ZON2001-70 -northwest corner of Harry and Broadway. (District I)

## ORDINANCE NO. 45- 222

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. (ZON 2001-70)

## **PLANNING AGENDA**

Marvin Krout

Director of Planning stated that the Planning Agenda, except Item 51, could be considered as consensus, unless the Council desired to withhold Items.

Motion --  
-- carried

Knight moved that the Planning Agenda, except Item 51, be approved as consensus Items. Motion carried 7 to 0.

**S/D 99-26**

**S/D 99-26 - PLAT OF LEEDY ADDITION – WEST OF SENECA, ON THE NORTH SIDE OF MACARTHUR ROAD.** (District IV)

Agenda Report No. 02-1169

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (11-0)

A zone change (Z-3293) from SF-5, Single-Family Residential and LC, Limited Commercial to LC, Limited Commercial for the south portion of the site and to OW, Office Warehouse for the northern portion of the site has been approved for this site subject to platting.

Municipal water and sanitary sewer facilities are available to serve the site. A petition, 100%, has been submitted for a turnaround for Martinson Street to the north.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 249

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petition will be recorded with the Register of Deeds.

Motion --

-- carried

Knight moved that the document and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the Z-3293 Ordinance be placed on first reading, with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

## RESOLUTION NO. 02-159

Resolution of findings of advisability and Resolution authorizing improving Martinson Street within a contingent street dedication near the northwest corner of Lot 1, Leedy Addition, 472-83522, (west of Seneca, north of MacArthur), , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.210, as amended, introduced and under the rules laid over. Z-3293

**S/D 99-79**

### **S/D 99-79 – PLAT OF NORTHRIDGE HEIGHTS ADDITION – NORTHWEST CORNER OF U.S. 254 – 61ST STREET NORTH AND ROCK ROAD.**

Agenda Report 02-1170

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

This plat is zoned RR, Rural Residential and is located in the County within three miles of Wichita's City limits.

The site has been approved by the County Health Department for the use of on-site sanitary sewer facilities. Water service will be provided by the Rural Water District No. 1. A restrictive covenant has been recorded that pairs the lots together to meet the 10-acre lot size requirement for this rural water district. A guarantee for paving will be handled by the County.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion --

-- carried

Knight moved that the Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**SUB2000-86**

### **SUB2000-86 – PLAT OF MEADOW LAND ADDITION – NORTH SIDE OF KELLOGG BETWEEN 127TH STREET EAST AND 143RD STREET EAST.** (District II)

Agenda Report No. 02-1171

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

A zone change (Z-3340) from SF-6 Single-Family Residential and SF-20, Single-Family Residential to GO, General Office, LC, Limited Commercial, OW, Office Warehouse, NR, Neighborhood Retail and

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 250

MF-29, Multi-Family Residential has been approved for this site subject to platting. The plat is also subject to the Meadow Land Community Unit Plan (DP-248).

Cross-lot access easements were provided across all lots. Petitions, all 100%, have been submitted for sewer, paving, water and drainage improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. A Community Unit Plan Certificate was provided identifying the approved CUP.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, restrictive covenant, CUP Certificate and cross-lot access easements will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the Z-3340 Ordinance be placed on first reading. Motion carried 7 to 0

## RESOLUTION NO. 02-160

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89675 (north of Kellogg, between 127<sup>th</sup> Street East and 143<sup>rd</sup> Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-161

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89676 (north of Kellogg, between 127<sup>th</sup> Street East and 143<sup>rd</sup> Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-162

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89677 (north of Kellogg, between 127<sup>th</sup> Street East and 143<sup>rd</sup> Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-163

Resolution of findings of advisability and Resolution authorizing construction of Lateral 330, Four Mile Creek Sewer (north of Kellogg, between 127<sup>th</sup> Street East and 143<sup>rd</sup> Street East, 468-83415, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-164

Resolution of findings of advisability and Resolution authorizing construction of Lateral 331, Four Mile Creek Sewer (north of Kellogg, between 127<sup>th</sup> Street East and 143<sup>rd</sup> Street East) 468-83416, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 251

## RESOLUTION NO. 02-165

Resolution of findings of advisability and Resolution authorizing construction of Lateral 332, Four Mile Creek Sewer (north of Kellogg, between 127<sup>th</sup> Street East and 143<sup>rd</sup> Street East) 468-83417, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-166

Resolution of findings of advisability and Resolution authorizing construction of Lateral 333, Four Mile Creek Sewer (north of Kellogg, between 127<sup>th</sup> Street East and 143<sup>rd</sup> Street East) 468-83418, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-167

Resolution of findings of advisability and Resolution authorizing construction of Lateral 334, Four Mile Creek Sewer (north of Kellogg, between 127<sup>th</sup> Street East and 143<sup>rd</sup> Street East) 468-83419, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-168

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 187 (north of Kellogg, between 127<sup>th</sup> Street East and 143<sup>rd</sup> Street East) 468-83421, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-169

Resolution of findings of advisability and Resolution authorizing improving of Twinlake Drive and Meadowland from the north line of Cardinal Lane, to the west line of 143<sup>rd</sup> Street East, on Cardinal Circle from the west line of Twinlake Drive, east to the west line of Reserve "G", and on Twinlake Drive Court from the west line of Twinlake Drive, west to and including the cul-de-sac (north of Kellogg, between 127<sup>th</sup> Street East and 143<sup>rd</sup> Street East) 472-83520, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-170

Resolution of findings of advisability and Resolution authorizing improving of Cardinal Circle from the west line of Twinlake Drive, west to and including the cul-de-sac (north of Kellogg, between 127<sup>th</sup> Street East and 143<sup>rd</sup> Street East) 472-83521, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-171

Resolution of findings of advisability and Resolution authorizing improving of Cardinal Lane from the west line of Reserve G to the west line of 143<sup>rd</sup> Street East, and on Lewis from the easterly line of Cardinal Lane, east to the west line of 143<sup>rd</sup> Street East (north of Kellogg, between 127<sup>th</sup> Street East and 143<sup>rd</sup> Street East) 472-83523, in the City of Wichita, Kansas, pursuant to findings of advisability made

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 252

by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.210, as amended, introduced and under the rules laid over. (Z-3340)

**SUB2001-102**

**SUB2001-102 – PLAT OF ALLEN ELEMENTARY SCHOOL ADDITION – NORTH SIDE OF MT. VERNON, EAST OF OLIVER.** (District III)

Agenda Report No. 02-1172

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

Municipal services are available to serve the site. This plat is zoned TF-3, Two-Family Residential.

The site is within the noise impact area of McConnell Air Force Base and an avigational easement and restrictive covenant were required. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The avigational easement and restrictive covenant will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the documents and Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0

**DED2002-2**

**DED2002-2 – DEDICATION OF ACCESS CONTROLS FOR PROPERTY ON THE NORTH SIDE OF HARRY, EAST OF HILLSIDE.** (District III)

Agenda Report NO. 02-1173

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB2001-124, and is being submitted to allow for complete access control along Harry Avenue.

The Dedication has been reviewed and approved by the Planning Commission.

Motion --  
-- carried

Knight moved that the dedication be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Brewer absent)

Motion --  
-- carried

Knight moved that the dedication be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**DED2002-3**

**DED2002-3 – DEDICATION OF ACCESS CONTROLS FOR PROPERTY ON THE NORTH SIDE OF HARRY, EAST OF HILLSIDE.** District III)

Agenda Report No. 02-1174

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB2001-124, and is being submitted to allow for access control except for three openings along Harry Avenue.

The Dedication has been reviewed and approved by the Planning Commission.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 253

Motion -- Knight moved that the dedication be approved and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

**DED2002-4**      **DED2002-4 – CONTINGENT DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY ON THE SOUTHWEST CORNER OF CENTRAL AND HYDRAULIC.** (District I)

Agenda Report No. 02-1175

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Building Permit No. BLD2001-06818, and is being submitted to allow for Contingent Street Right-of-Way along Central & Hydraulic.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- Knight moved that the dedication be approved and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

**VAC2001-00038**      **VAC2001-00038 – VACATE RIGHT-OF-WAY NORTHWEST OF THE NORTH 9TH STREET/BROADWAY INTERSECTION.** (District VI)

Agenda Report No. 02-1176

Staff Recommendation: Approve.  
MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration to vacate 15-ft of North 9th St ROW that abuts Lot 141 (lot length along 9th St is 100-ft), Lawrence Avenue in Munger's Original Town Add. Currently this 100-ft x 15-ft strip has concrete paved parking on it and a pole sign, which the applicant has been using and maintaining. The applicant proposes to use the vacant site/building for a restaurant and the parking in the ROW will be needed to meet parking requirements. There have been 6 vacations of the North 9th St ROW, between Water St and Broadway, including properties abutting to the west and adjacent on the south.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion -- Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

**VAC2001-00052**      **VAC2001-00052 – VACATE 20-FOOT PEDESTRIAN ACCESS EASEMENT AND 10-FOOT UTILITY EASEMENT – NORTHEAST OF THE 29TH STREET NORTH/RIDGE ROAD INTERSECTION.** (District V)

Agenda Report No. 02-1177

Staff Recommendation: Approve  
MAPC Recommendation: Approve (unanimous)

The applicant is requesting consideration to vacate the 10-foot utility easement between Lots 8 & 9, Block A, the Ridge Port Fourth Addition and a 20-foot pedestrian access easement between Lots 6 & 7, Block B, the Ridge Port Fourth Addition. There are no utilities in the 10-foot utility easement between

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 254

Lots 9 & 8, Blk A, the Ridge Port Fourth Addition and there are no plans for utilities to be placed in it in the future. The 20-foot pedestrian access easement is part of a 20-foot utility – drainage easement. The 20-foot pedestrian access easement goes into Reserve C, which is used for recreation, drainage, ponds, landscaping, open space, berms, gazebos, screening walls and sidewalks. The applicant is proposing to provide another pedestrian access easement, 10-foot wide, to the south of the current/proposed vacated one, between Lots 10 & 11, Block B, the Ridge Port Fourth Addition. This new pedestrian access easement provides better access to recreational opportunities in Reserve C. The 20-foot drainage - utility easement, that the pedestrian access easement is part of, will be retained.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds. The dedication of a pedestrian access easement was recorded November 8, 2000.

Motion --  
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**VAC2001-00054**

**VAC2001-00054 – VACATE PORTION OF ALLEY BETWEEN 15TH STREET NORTH, NORTH BROADWAY, 16TH STREET NORTH, NORTH MARKET – IRVING ELEMENTARY SCHOOL.** (District VI)

Agenda Report No. 02-1178

Staff Recommendation: Approve.  
MAPC Recommendation: Approve. (unanimous)

The applicant, USD 259, is requesting consideration to vacate the portion of the alley abutting Lots 73-84, Powells Addition. The applicant proposes to provide parking and a drive for student busing at Irving Elementary. Currently the alley is not paved and dead-ends into the school property. The applicant has agreed to retain the alley as a utility easement and dedicate an access easement to maintain the access for the remaining residents abutting the alley.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order and Dedication of an Access Easement will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**VAC2001-00064**

**VAC2001-00064 – VACATE PLATTED BUILDING SETBACK AND PLATTED UTILITY EASEMENT – SOUTHWEST OF THE HARRY STREET WEST/MCLEAN BOULEVARD SOUTH INTERSECTION.** (District IV)

Agenda Report No. 02-1179

Staff Recommendation: Approve.  
MAPC Recommendation: Approve. (unanimous)

The applicant City Department of Public Works is requesting the vacation of the 20-foot platted sewer easement and the 35-foot platted setback, located on the former site of the Transit Authority's administrative and maintenance center. The applicant proposes further development on the property with the construction of an approximately 4,000 square foot facility and an addition of 1,225 square feet

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 255

to an existing facility. Both the new facility and the addition onto the existing facility will encroach onto the easement. There is a sanitary sewer line in the easement. The addition to the existing facility will encroach into the 35-foot building setback line, and the applicant is requesting vacation of 10-feet of the setback with a new setback of 25-foot. This meets or exceeds the current zoning setback in the Limited Industrial District is 20-feet and for SF-5, 25-foot.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order and the dedication of the new utility easement will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**VAC2002-00001**

**VAC2002-00001 – VACATE PLATTED 35-FOOT BUILDING SETBACK – NORTHEAST OF 21ST STREET NORTH/RIDGE ROAD INTERSECTION.** (District V)

Agenda Report No. 02-1180

Staff Recommendation: Approve.  
MAPC Recommendation: Approve. (unanimous)

The applicant is requesting the platted 35-foot setback be vacated and replaced with a 28-foot setback to allow for the placement of two (2) vacuum islands for a proposed carwash. A vacuum island is considered a structure by OCI and structures cannot encroach into setbacks. The applicant has worked with the Public Works Traffic Engineering in regards to the circulation of vehicular traffic within the car wash site and the applicant's site plan reflects those efforts. The applicant will have to apply for an adjustment to the CUP to reflect the vacation of the platted 35-ft setback.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**ZON2002-00001**

**ZON2002-00001 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL – EAST SIDE OF GREENWICH ROAD, APPROXIMATELY 600 FEET SOUTH OF KELLOGG.** (District II)

Agenda Report 02-1181

MAPC Recommendation: Approve subject to platting within one year (12-0).  
Staff Recommendation: Approve subject to platting within one year.

The applicant requests "GC" General Commercial zoning on an unplatted .81-acre parcel located on the east side of Greenwich Road approximately 600 feet south of Kellogg. The parcel is currently zoned "SF-5" Single Family Residential, and is developed with a single family residence.

The applicant also owns the car dealership on the "LI" Limited Industrial zoned lot across Orme Street to the north, the existing dealership has frontage along Kellogg Road. To the north and east of the application area, across Greenwich and fronting Kellogg is "GC" zoned manufactured home sales. South of the application area is an "LC" zoned single family house and "LC" zoned vacant space, the

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 256

property south of the application area is included in a Wal Mart anchored CUP known as One Kellogg Place. Approximately 600 feet south of the application area lies Highway I-35. East of the application area is a large "LI" and "GC" zoned tract currently under the One Kellogg Place CUP development. West of the application area on Greenwich are seven "SF-5" zoned lots developed with single-family homes.

The current neighborhood character is a mix of "GC" and "LI" zoned automobile and manufactured home businesses fronting Kellogg, "SF-5" zoned homes on the west side of Greenwich, a southern edge created by I-35, and a CUP development under construction to the east.

The proposed zone change, from "SF-5" to "GC" would require conformance to all property development standards in the Unified Zoning Code. The "GC" district permits outdoor vehicle sales as a use by right, subject to the following conditions:

1. Visual screening of areas contiguous to residential zoning districts shall be provided to protect adjacent properties from light, debris and noise and to preserve adjacent property values even when the change in use to vehicle and equipment sales replaces a previous use that is of equal or greater intensity. In no case shall screening be less than that required by Secs. IV-B.1-3.
2. All parking, storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries abutting streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right of way.
3. The lighting standards of Sec. IV-B.4. shall be complied with. No string-type or search lighting shall be permitted.
4. The compatibility noise standards of Sec. IV-C.6 shall be complied with. Outdoor speakers and sound amplification systems shall not be permitted.
5. No repair work shall be conducted except in an enclosed building.

This zone change request is in conformance with the Comprehensive Plan "Wichita Land Use Guide" and "Commercial Locational Guidelines." A zone change to "GC" and the subsequent redevelopment will require the application area to be in compliance with the landscape ordinance, and to screen and deflect lighting from residential neighbors. Likewise, the above mentioned conditions for vehicle and equipment sales in "GC" should mitigate any negative impacts from the application area onto surrounding neighbors. To be redeveloped, the applicant will be required to plat the application area. Planning staff anticipates that platting will include complete dedication of access control on Greenwich, dedication of access control with one point of access on Orme, and required cross-lot access agreements with all non-residentially zoned neighboring lots.

MAPC heard this request at their regularly scheduled meeting on February 21st, 2002. No members of the public chose to speak on the zone change request; the applicant and his agent agreed with the Planning Staff recommendation. MAPC approved the request subject to staff comments by a vote of 12-0.

Motion --

Knight moved that reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to replatting within one year; with the Ordinance to be forwarded to Council with the Plat. Motion carried 7 to 0.

-- carried

**ZON2002-00002**

**ZON2002-00002 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO MULTI-FAMILY RESIDENTIAL – ¼ MILE NORTH OF 21ST STREET NORTH ON THE WEST SIDE OF 127TH STREET EAST.** (District II)

Agenda Report 02-1182

MAPC Recommendation: Approve, subject to the staff recommendation. (12-0)  
Staff Recommendation: Approve, subject to platting within one year.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 257

The applicant requests a zone change from "SF-5" Single-Family Residential to "MF-18" Multi-Family Residential on a 14.23 acre unplatted tract located one-quarter mile north of 21st Street North on the west side of 127th Street East. The applicant proposes to develop the property with an unspecified multi-family use.

The surrounding area is on the fringe of the developing urban area for Wichita, with much of the land in the area still used for agriculture. The properties to the south and west are developing with institutional uses on properties zoned "SF-5" Single-Family Residential. The property to the north is zoned "SF-5" Single Family Residential and is used for agriculture; however, the property to the north is platted for single-family development. The property to the east is zoned "SF-20" Single-Family Residential and is used for agriculture; however, the property to the east has been approved for "MF-18" Multi-Family and "LC" Limited Commercial zoning pending platting.

At the February 21, 2002, MAPC hearing, there were no speakers, other than the applicant's agent, either for or against the request. The MAPC voted, 12-0, to approve the request subject to platting within one year.

Motion --

Knight moved that reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to replatting within one year; with the Ordinance to be forwarded to Council with the Plat. Motion carried 7 to 0.

-- carried

(Item No. 51)

**DR2000-00012**

**DR2000-00012 – SOUTH WICHITA HAYSVILLE AREA PLAN.** (Districts III and IV)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 02-1183

In May of 1999, a devastating tornado tore through the heart of Haysville and the south Wichita area, roughly following Seneca and destroying numerous homes and businesses. In the aftermath of this storm, a commitment was made by the City of Haysville, Sedgwick County and the City of Wichita to develop an Area Plan to lay the foundation for the redevelopment of the storm-damaged area and to guide the development of the remainder of the area. Utilizing planning grant monies from KDCH, consulting proposals were solicited by the City of Wichita to develop this Area Plan in early 2000. Dave Yearout from Austin Miller and Beth King from King MERJ Public Relations were selected to develop the Plan and began working in early summer of 2000.

An initial list of citizens and officials active in the planning area was used in development of the South Wichita/Haysville Steering Committee. The list included representatives from the former South Wichita Task Force, the South Area Neighborhood Association, the South Wichita Business Association, the Haysville Chamber of Commerce, the Metropolitan Area Planning Commission, the Haysville Planning Commission, governing body members of Wichita, Haysville and Sedgwick County, and numerous business owners, property owners and area residents.

News articles about the planning process and the initial meeting in June of 2000 appeared in the Wichita Business Journal and the Wichita Eagle, both of which listed consultant contact information and invited reader response and involvement. Steering Committee meetings were held with the stakeholder group through the summer, fall and winter of 2000.

Through the meetings, the Steering Committee identified, merged, and prioritized their major issues of concern for the planning area, which is bounded by Meridian Avenue on the west; MacArthur Road on the north; the Arkansas River on the east; and 71st Street South on the south. The Plan Area covers approximately 20 square miles and is roughly 4 miles north/south by 5 miles east/west.

The Metropolitan Area Planning Commission, in accordance with Kansas state statutes, held a public hearing for the plan on February 21, 2002, with the required notice of public hearing published in the official City of Wichita and Sedgwick County newspapers. The staff report presented at the MAPC

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 258

meeting indicated that the proposed area plan was consistent with the Comprehensive Plan. The MAPC approved the plan as an amendment to the Comprehensive Plan by a unanimous vote (12-0). Since the plan includes portions of Haysville, the plan was presented to the Haysville Planning Commission on January 10th. The Haysville Planning Commission approved the final draft of the Plan and upon the completion of their Comprehensive Plan update will adopt pertinent elements of the plan as an amendment. In addition, the plan was presented to the District III and District IV DAB's at public forums held on January 9th and January 16th respectively. Both DAB's showed support for the plan and complemented the Stakeholders for all of their hard work and dedication.

The South Wichita Haysville Area Plan, as an extension of the Comprehensive Plan, contains detailed proposals designed to stimulate development and to improve the quality of life in the area. The plan has been developed in a manner that addresses the needs and desires of area stakeholders, who have worked in a collaborative process with the City of Wichita, City of Haysville and Sedgwick County on the formulation of this plan, and is consistent with the Comprehensive Plan.

The plan is based upon objectives that address physical, social, and economic concerns such as:

- Enhancement of the area's transportation system
- Condemnation and removal of properties declared unsafe
- Enhancement and improvement of the area's image and community relationships
- Encouragement of new commercial development

The plan requires formal adoption in order to:

- Demonstrate to investors and developers a practical and feasible plan for the revitalization of the area, as prepared by a qualified consulting firm.
- Demonstrate that the major stakeholders in the area, the Wichita City Council, and the Board of County Commissioners are committed to revitalization objectives contained in the plan.
- Present documentation of local plan acceptance to support the submission of funding applications to charitable and private foundations, private corporations, individuals, and the U.S. Department of Housing and Urban Development.
- Demonstrate to area stakeholders, including area residents, that their needs and desires, which are reflected in the plan, are objectives consistent with the Comprehensive Plan.

While the act of adoption itself involves no commitment of funding from the City of Wichita, the City of Haysville or Sedgwick County, there are a number of projects contained in the current City C.I.P. that lie within the area's boundaries, such Hydraulic road improvements. In addition, the plan proposes a number of physical improvements throughout the area that could total more than \$10 million.

Policy Considerations: The South Wichita Haysville Area Plan is consistent with the Wichita-Sedgwick County Comprehensive Plan in that it:

1. Encourages the redevelopment of older neighborhood areas in the City of Wichita.
2. Proposes growth and development in areas with existing public facilities in a manner that is compact and contiguous.
3. Provides for the development of park and recreation space.
4. Makes use of public and private partnerships.
5. Has community support and involvement.

Pursuant to the authority granted by the statutes of the State of Kansas, in K.S.A. 12-747 et seq., the Wichita-Sedgwick County Metropolitan Area Planning Commission developed a Comprehensive Plan, adopted by the City of Wichita and Sedgwick in 1993, and amended in 1996, 2000 and 2001; and the Comprehensive Plan may be amended, as needed, to ensure it reflects timely and relevant information and the needs of the community.

Council Member Lambke Council Member Lambke asked that a member of the audience be allowed to speak on this Item.

Mayor Knight left the Bench; Vice Mayor Pisciotte in the Chair.

Ann Merritt

Ann Merritt, President of a division of the Riverside Homeowners Association, spoke of the seriousness of the need for assistance from the City in implementation of the Plan and in getting grants for the area. There is a serious need for infrastructure improvements which the area cannot afford.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 259

Motion -- Pisciotte moved that the Plan be adopted as an amendment to the Wichita-Sedgwick County Comprehensive Plan and the Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)  
-- moved

## ORDINANCE

An Ordinance adopting the South Wichita Haysville Area Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, introduced and under the rules laid over.

(Mayor Knight present and in the Chair)

A 02-01

### **A 02-01 – ANNEX LAND LOCATED ½ MILE NORTH OF THE INTERSECTION OF 47TH STREET SOUTH AND WEST STREET.**

Agenda Report 02-1184

The City has received a request to annex approximately 34 acres situated ½ mile north of the intersection of 47th Street South and West Street. The site abuts the City of Wichita to the south and west. The property owner has petitioned to connect to the City's sanitary sewer line running along West Street adjacent to the property.

Land Use and Zoning: The annexation site is presently in agricultural and residential use and zoned SF-20" Single Family Residential. The property owner has not disclosed any plans for future development of this property. Land surrounding the proposed annexation site is a mix of commercial, industrial, residential, and agricultural. Land to the south is zoned "MH" Manufactured Housing and "SF-5" Single Family Residential, and is zoned "SF-20" Single Family Residential to the east. Land west and north is zoned "SF-20" Single Family Residential and "LI" Limited Industrial.

Public Services: The City Water and Sewer Department indicates that the property proposed for annexation is currently connected to the City's water system. There is a sanitary sewer line along West Street, which the property owner will be connecting to later this year.

Street System: The property proposed for annexation has access to West Street (2-lane arterial), which serves the property as a major north-south road, while 47th Street South (2-lane arterial) that serves the area as the nearest east-west road. There are plans to widen West Street into a 4-lane arterial in the 2002-2006 Sedgwick County Capital Improvement Program (C.I.P.).

Public Safety: Fire services to this site can be provided within an seven (7) to nine (9) minute approximate response time from City Station #19 located at 600 W. MacArthur. However, the City Fire Department indicates that a new fire station will be completed near 31st Street South and Meridian by the end of this year. Upon annexation, police protection will be provided to the area by the Patrol South Bureau of the Wichita Police Department, headquartered at 211 E. Pawnee.

Parks: Southview Park, a 20-acre park, is located approximately 1 mile east of the proposed annexation site. South Lakes Park, a 247-acre park, is situated approximately 2 miles southeast of the proposed annexation site.

School District: The property is located in Unified School District 261 (Haysville School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Comprehensive Plan.

The approximate assessed value of the property is \$11,987. Assuming the current City levy remains about the same, this would roughly yield \$376 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 260

Motion --  
-- carried

Knight moved that the annexation request be approved and the Ordinance be placed on first reading.  
Motion carried 7 to 0.

## ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 02-01

**A 02-04**

**A 02-04 – ADOPTION OF RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES LOCATED NORTH OF 21ST STREET NORTH, EAST AND WEST OF HOOVER.** (District V)

Agenda Report 02-1185

A Resolution establishing a future public hearing date of May 21, 2002, at 7:00 p.m. at the Sedgwick County Extension Office, 7001 W. 21st Street N, Wichita, Kansas for consideration of a unilateral annexation was adopted.

The properties proposed for annexation are located north of 21st Street North and east and west of Hoover.

This is the sixth and final phase of a six-phase annexation initiative that began in the spring of 2000. The first phase, which brought 611 acres and 47 properties into the City, was approved on July 18th, 2000. The second phase was approved on November 21st, 2000, and brought 92 acres and 42 properties into the City. The third phase was approved on April 17, 2001, bringing 56 acres and 36 properties into the City of Wichita. The fourth phase was approved on August 14, 2001, bringing 21 acres and 29 properties into the City of Wichita. The fifth phase was approved on January 12, 2002, bringing 26 acres and 13 properties into the City of Wichita.

The subject area for the sixth and final phase consists of approximately 9 acres and 4 properties (all are unplatted). The land-use pattern for this phase of annexation consists of 4 residential tracts that are primarily residential uses. The properties proposed for annexation are zoned "SF-20" Single-Family Residential, and will convert to the "SF-5" Single-Family Residential district upon annexation ("SF-10" if requested by property owner and approved by the governing body). The proposed annexation also includes a number of street segments that were not contained in the earlier phases of annexation.

The majority of the land proposed for annexation is located within the area identified as "low-density residential", with some "industrial" areas intermixed, according to the 2000 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change Land Use Guide Map. Additionally, the proposed annexation area is located within the "2010 Urban Service Area" boundaries found in the Comprehensive Plan amendments. The land use pattern within the annexation area is generally consistent with its land use designation in the updated Plan.

The proposed annexation will allow for the continuation of the City's growth in the northwest part of Wichita. All properties in the proposed annexation area are currently being served by private systems. According to the City Water and Sewer Department, there are City of Wichita water mains located within portions of 29th Street, Hoover Road, and Ridge Road, from which service could be extended. Map #6 also illustrates the size of future water mains to serve this area as development continues in that area.

As for sewer, all of the properties in the proposed annexation area are currently being served by private sanitary sewer systems. Sewer lines are being brought into newer developments surrounding the annexation area from which service could be extended. Much of the area proposed for annexation lies within Sanitary Sewer Basin 4 (bounded generally by the Wichita-Valley Center Flood Control Project, 21st Street North, Maize Road, and 45th Street North). A study was completed in February 2000 to

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 261

show how sanitary sewer service can be extended to serve Basin 4. Construction of sewer mains has not been scheduled at this time.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area

The total appraised value of the land and improvements proposed for annexation is \$150,190 resulting in an annual City Ad Valorem tax revenue of approximately \$563. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Establish a public hearing date on May 21, 2002, at 7:00 p.m. at the Sedgwick County Extension Office, 7001 W. 21st Street N, Wichita, Kansas.

Motion --

-- carried

Knight moved that the service plan be approved and the Resolution setting the hearing date on May 21, 2002, at 7:00 p.m. at the Sedgwick County Extension Office, 7001 West 21st North, be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 02-172

A Resolution declaring an interest in, and establishing a public hearing date for considering the Unilateral Annexation of property located north of 21<sup>st</sup> Street North, and east and west of Hoover to the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. (A02-04)

## AIRPORT AGENDA

(Mayor Knight absent; Vice Mayor Pisciotte in the Chair)

## AIRPORT

### AIRFIELD PAVEMENT, SOUTH CARGO APRON AND AIR CARGO SERVICE ROAD SUPPLEMENTAL AGREEMENT:

Agenda Report No. 02-1186

On April 17, 2001 City Council approved an agreement with TranSystems Co. for the design of South Cargo Apron, Cargo Road Rehabilitation, and Air Cargo Service Road Extension project.

During construction, resident engineering and construction-related services are necessary in order to comply with Federal requirements. A supplemental agreement has been prepared to authorize the necessary services.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 262

City Council approved an FAA grant on September 11, 2001 to fund 90 percent of the project. The matching 10 percent will be paid with Passenger Facility Charges. The cost of construction-related services is \$122,394.50. A budget increase of \$100,000 is requested to cover the expenses related to the agreement. Approved Grant funds and Passenger Facility Charges will fund the increase. The 2002 Capital Improvement Program identifies funds for airfield pavement. The total project budget will be \$908,150.

The agreement has been approved by the Law Department and is being reviewed by the Federal Aviation Administration.

Motion --  
-- carried

Pisciotte moved that the Agreement be approved; the capital budget be increased; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## AIRPORT

### SOUTH CARGO APRON AND AIR CARGO SERVICE ROAD.

Agenda Report No. 02-1186.

On April 17, 2001 City Council approved an agreement with TranSystems Co. for the design of South Cargo Apron, Cargo Road Rehabilitation, and Air Cargo Service Road Extension project.

During construction, resident engineering and construction-related services are necessary in order to comply with Federal requirements. A supplemental agreement has been prepared to authorize the necessary services.

City Council approved an FAA grant on September 11, 2001 to fund 90 percent of the project. The matching 10 percent will be paid with Passenger Facility Charges. The cost of construction-related services is \$122,394.50. A budget increase of \$100,000 is requested to cover the expenses related to the agreement. Approved Grant funds and Passenger Facility Charges will fund the increase. The 2002 Capital Improvement Program identifies funds for airfield pavement. The total project budget will be \$908,150.

The agreement has been approved by the Law Department and is being reviewed by the Federal Aviation Administration.

Motion --  
-- carried

Pisciotte moved that the Supplemental Agreement be approved; the capital budget be increased; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

## AIRPORT

### TERMINAL APRON PHASE I AND II, RUNWAY 1R/19L SHOULDERS AND BLAST PADS, AND SHORT-TERM PARKING REHABILITATION.

Agenda Report 02-1187

On November 21, 2000, the City Council approved an agreement with Wilson & Company to design the rehabilitation of the terminal apron and Runway 1R/19L shoulders and blast pads. In addition, the City Council approved a short-term parking lot rehabilitation project on November 20, 2001.

During construction, resident engineering and construction-related services are necessary in order to comply with Federal requirements. A supplemental agreement has been prepared to authorize the necessary services.

City Council approved FAA grants on August 2, 1999 and July 11, 2000 to fund 90 percent of the terminal apron and runway project. The cost of construction-related services eligible for FAA funding is \$56,865. Passenger Facility Charges will fund the matching 10 percent. The cost for the short-term parking lot is \$6,461 and will be funded with General Obligation Bonds paid by Airport revenue. The total supplemental agreement cost is \$63,326. Funds are available within the approved budgets.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 263

The agreement has been approved by the Law Department and is being reviewed by the Federal Aviation Administration.

Motion --  
-- carried

Pisciotte moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

(The Housing Agenda was considered earlier in the meeting. Mayor Knight present and in the Chair.)

## **HOUSING AGENDA**

Inafay Grays-McClellan, Housing Member also present.

### **HOUSING**

#### **REPORT OF PUBLIC HOUSING OCCUPANCY, DEVELOPMENT, AND REHABILITATION.**

Agenda Report No. 02-1188

This update provides the current status of all Public Housing Units under make ready status, Capital Fund Program and vacant units ready to be leased. The previous update based upon the January 15, 2002, status listed 30-units in make ready, eight (8) units in the Capital Fund Program and 27-units waiting to be leased.

As of March 11th, 32-units are in make-ready status, 7-units are in the Capital Fund Program and 20-units are waiting to be leased. The total of 59-vacancies represents an occupancy rate of 89.7 percent. Of those vacant, no units are long-term vacancies. The Department leased 11-units during the month of January.

Motion – carried

Knight moved that the report be received and filed. Motion carried 8 to 0.

### **HOUSING**

#### **REPORT OF PUBLIC HOUSING CAPITAL IMPROVEMENTS.**

Agenda Report No.02-1189

The City of Wichita Housing Authority (WHA) Capital Fund Program will make all necessary capital improvements and corrections of deficiencies in the WHA rental inventory to ensure the long term physical and social viability of WHA developments. The Program is also used to upgrade the management operations of the WHA to assure the ability of staff to serve the housing needs of low to moderate income families. This report covers the current status of all Capital Fund improvement projects.

The 2000 and 2001 Capital Fund grants are in the amounts of \$1,192,646 and \$1,216,704 respectively.

The WHA has submitted the approved 2002 Capital Fund Budget to HUD for final approval and funding. The 2002 through 2004 budgeted amounts are estimated on the basis of the 2001 grant amount.

Motion – carried

Knight moved that the report be received and filed. Motion carried 8 to 0.

### **HOUSING**

#### **SECTION 8 MONTHLY STATISTICAL MONTHLY REPORT.**

Agenda Report No.02-1190

The Section 8 Housing Assistance program allows Housing Authorities to assist as many families as can be assisted with the funds allocated. The Wichita Housing Authority has been approved to administer 2500 allocations.

# CITY COUNCIL PROCEEDINGS

JOURNAL 175

MARCH 19, 2002

PAGE 264

## March 2002

Program	Number Allocated	Number Committed	Over (Under) Committed	Annual Lease-Up	Annual Rate
Voucher	2055	2055	0	2208	102.8%
Fair Share (2002)	156	96	(60)		
Mainstream (2002)	75	64	(11)		
SPC	102	126	24		
Mod Rehab	58	30	(28)		
Certificate	35	59	24		
Portable	19	19	0		
TOTAL	2500	2359	(*51)		

\*Includes new vouchers (352) that issuance expires in 2002: 156 Fair Share (8/2002); 75 Mainstream (10/2002); 102 Shelter Plus Care Renewal (4/2002) and 19 Portability (on-going).

Due to many variables such as voucher and certificate holders finding and leasing a property that does not require the maximum subsidy, we are able to assist additional units and remain within budget.

Motion – carried

Knight moved that the report be received and filed. Motion carried 8 to 0.

## HOUSING

### SECTION 8 VOUCHERS APPLICATION.

Agenda Report No. 02-1191

On February 22, 2002 the Department of Housing and Urban Development (HUD) issued a notice of Funding Availability for approximately \$103,979,000 in one-year budget authority for approximately 18,000 vouchers. Under the fair share allocation, the state of Kansas has been allocated 141 vouchers.

While HUD encourages housing authorities to use the vouchers available under this NOFA for disabled and other special needs groups, this NOFA provides an opportunity for additional vouchers for non-targeted populations.

The NOFA specifies that any housing authority may apply for no more than 25% of the fair share for the state in which it is located. Therefore, the Wichita Housing Authority may apply for 35 of the 141 allocated to the state of Kansas.

This is a competitive NOFA, so the WHA will be competing on the basis of: 1) need; 2) utilization of current vouchers; 3) efforts to expand housing opportunities for voucher holders; 4) implementation of a Section 8 homeownership program; 5) the HA's commitment to use part of the vouchers for disabled families; 6) the HA's commitment to use part of the vouchers for disabled families who are also receiving Medicaid Home and Community Based Services; and 7) Implementation of a Family Self Sufficiency Program.

If the housing authority receives 35 vouchers, the additional vouchers will produce approximately \$167,000 in housing assistance payments annually. The Housing Authority will also earn Administrative Fees of approximately \$17,000.

Motion --

Knight moved that submission of the application for 35 vouchers under the Fiscal Year 2002 Fair Share Allocation of Incremental Voucher Funding be approved and the necessary signatures be authorized.

-- carried

Motion carried 8 to 0.

ADJOURNMENT

The City Council meeting adjourned at 2:30 p.m.

Pat Burnett CMC  
City Clerk

# **CITY COUNCIL PROCEEDINGS**

**JOURNAL 175**

**MARCH 19, 2002**

**PAGE 265**